the weekly
Standard

SEPTEMBER 23, 1996 $2.95

IN RE: TRIAL LAWYERS

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- Pres Clinton vetoes bills at their request
- State Attorneys General throw biz to them as payback

BY CAROLYN LOCHHEAD

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(Talk About Your Deep Pockets!)

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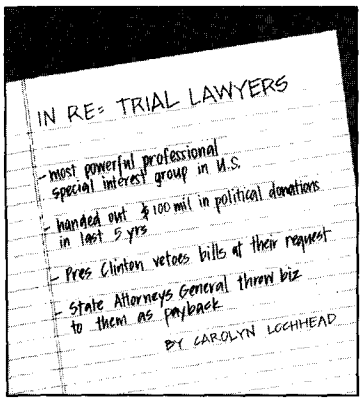

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Big Brother Is Watching You

The recent news that the White House has used public funds to maintain a computer database of political supporters comes as no surprise, given this administration's continued inability to tell the difference between running for an office and holding one. What is surprising is the scope of the information the White House has collected on those supporters.

The database, known by the acronym "WhoDB," contains not simply the routine facts of a person's life, such as name and address. It also records such details as religion, "Relationship(s) to the First Family," political contributions, and—this being the Clinton administration—race and ethnicity.

How does the Clinton Administration determine a person's ethnic origin? Arthur Coia, for instance, the head of the Laborers' International Union of America, is described on the computer as an "Italian." And how did White House staffers come to that conclusion? Based on the vowel at the end of Coia's name? The olive hue of his skin? His love of pasta? Let the stereotyping begin.

Congressional investigators want to know where the names on the database came from—and particularly whether they have been loaned, illegally, to the Democratic National Committee as a fund-raising tool. Also, did the White House compile the list of 200,000 names itself? Given the time required to enter a name into a database of this complexity, it would have taken 12 White House employees working full-time with no vacations an entire year to complete the task. Rep. David McIntosh is looking into the matter.

Primary Toe-Sucking

"If we lived in an even vaguely humane public environment," *Newsweek* columnist Joe Klein writes in that magazine's September 9 issue, "Dick Morris's private tragedy would be strictly off-limits." But these days "trash that appears in Martians-stole-my-baby tabloids" quickly "moves up the media food chain," he complains. Americans "live in a public sewer."

Wow. Something about the Dick Morris story makes Joe Klein really indignant. What is it, we wonder?

Klein is certainly correct that Sherry Rowlands's *Star* tabloid disclosures about Morris found their way into the mainstream press awfully fast. But that's only because Morris chose not to deny them. And the reason Rowlands's tale is still in the news is just as simple: All the details keep checking out. Including one, it turns out, about Klein.

Her February 20 diary entry, for instance. "Then [Morris] told me he's in *Newsweek*," Rowlands wrote, according to the September 17 edition of the *Star*. "The article is about how if Clinton [gets rid of] Dick he won't win the presidency. He said the story was supposed to be a leak. Meanwhile, Dick is the one who really leaked the article. He said he told the reporter the story himself and that the story needed to knock Dick so it doesn't look like he's behind it."

Here is the relevant *Newsweek* article, dated Feb. 26: Dick Morris is "apparently shameless," is "no hero," and "has done some stupid things." But Morris has also produced for Clinton "a political comeback that may eventually rival Harry Truman's." And if "Morris is sent packing" under internal attacks led by "an unreconstructed lib" like White House deputy chief of staff Harold Ickes, it will represent another "irresponsible left turn" by the president.

The author: Joe Klein.

Going for the Choate

Nobody is going to accuse Ross Perot of being inconsistent in his choice of running mate. Pat Choate—economist, xenophobe, former adviser to Pat Buchanan, and now the Reform party's candidate for vice president—is as oblivious as Perot to the unseemliness of his associates as the man at the top of the ticket. Several years ago, Choate wrote a book, *Agents of Influence*, that was so hostile to Japan and so apocalyptic in its predictions that he was fired from a longtime consulting job with TRW. Choate went on to become a founder, key investor, and, until the day Perot picked him last week, chairman of a radio network, United Broadcasting. United Broadcasting's uncontested star is a conspiracy-minded populist named Chuck Harder, for whose program Choate worked as the Washington correspondent.

Last year, reporter Marc Cooper sat down with Chuck Harder for an interview. After rambling about the influence of "the global elite," and the "New York bankers," Harder got down to business, outlining for Cooper the "problem" of "Jewish greed." "This is why if you go to Wall Street you'll see it's all Greenbergs, Sheinbergs, and

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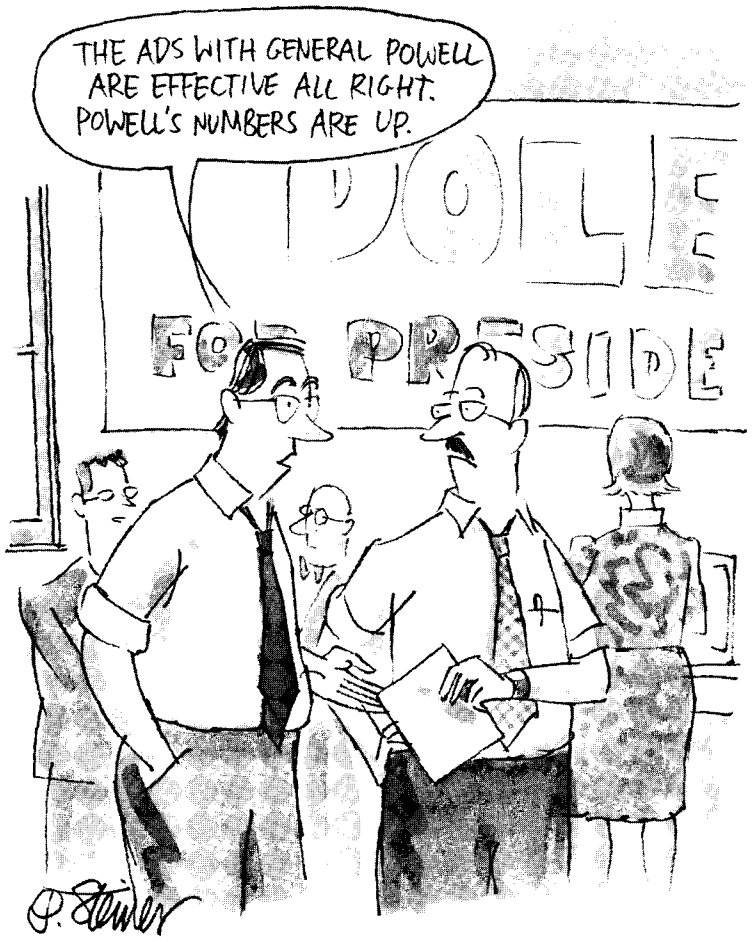

so on," Harder explained.

Harder may have formed his opinions with help from Eustace Mullins, a frequent guest on Harder's program. Mullins is the author of *The Jewish War Against the Christian World* and an advocate of the theory that Auschwitz was actually an "intensive Talmudic training school." Should any of this disqualify Choate as Ross Perot's running mate? Depends on your perspective. A recent informal survey by *National Journal* found Harder's show a favorite among Perot supporters.

Affirmative Action, GOP-Style

Remember when everybody thought affirmative action was breathing its last? On Sept. 11, Congress reauthorized the Orwellian-sounding "Airport Improvement Program," which mandates that at least 10 percent of the companies operating at the nation's airports be owned by minorities or women. In so doing, it overlooked last year's Supreme Court ruling that such programs are unconstitutional. The House leadership still refused to strip the provision. GOP Rep. Charles Canady of Florida, the author of legislation to abolish such preferences, tried to build opposition but was told that no debate and no amendments would be permitted. Thus a Congress that once had as a goal the abolition of federally sponsored racial and gender preferences has now reauthorized legislation containing such preferences. Nice going, guys.

Kemp's Farrakhan Problem

Jack Kemp told the *Boston Globe* that Louis Farrakhan's "self-help message" is "wonderful" and averred he "would have liked to have been invited to speak" at the Million Man March. Oh? What march was he talking about? The one where 40 percent of participants told the *Washington Post* they had negative feelings towards Jews? The one where Greenpeace rep Damu Smith said the march had been called because "white men are wreaking havoc in our community"? The one where former congressman Gus Savage said that billing the march as a "Day of Atonement" meant atoning "not for our anger, but for not being angry enough [and for not] taking control of our economy in defiance of white power, in defiance of Jewish influence . . ."? The impossibility of unraveling the anti-Semitic and the self-help elements of such an event should be self-evident, but it wasn't to Kemp, who did call on Farrakhan to renounce his anti-Semitism two days after the *Globe* piece appeared.

Put a Rose on the Pillow, Fellas

As you might expect, there's turmoil in the Dole campaign. Last week, national chairman Don Rumsfeld was rebuffed by Bob Dole in his attempt to hire Ron Walker, who was Nixon's chief advance man. It seems Dole did not like the way the Nixon White House and campaigns conducted business, and wanted nothing to do with Walker, a Bob Haldeman protégé.

But Dole aide Jill Hanson did convince the candidate to hire Margaret Tutwiler, the State Department spokeswoman during James A. Baker, III's tenure, to handle press on the campaign plane. Reporters have been complaining for months about the inaccessibility of not only the candidate but of traveling senior staff as well. The irony is that during her time at State, Tutwiler was viewed by many reporters as aloof and inaccessible herself.

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Casual

The Romanian Air-Force Diet

An entry in my journal of roughly five years ago reads: "I learned that my cholesterol count is a very fine 185. Must carefully cross all streets. It would be a shame to die with so splendid a cholesterol count." On the other hand, it might give my son a talking point at my memorial service. "My father," I can hear him say, "was a man well in control of his life, as witness his cholesterol count of only 185." I hope he will not mention that he often remembers me glancing down upon my plate at yet another boned, skinless chicken breast and looking gloomy at the prospect.

I am the man who coined the phrase—not yet in wide currency—"entree envy." Entree envy denotes that moment in a restaurant when the waiter brings out everyone's main course, and you look around the table in the hope of discovering that no one has ordered a more enticing dish than yours. In my case, entree envy includes the hope that no one's plate has more food piled upon it than mine.

My natural voraciousness conflicts badly with my growing desire for long life. I grew up in Chicago on a diet of corned-beef sandwiches, hot dogs, sausage pizzas, steaks, chops, chopped liver, and rare roast beef, served in a series of restaurants that, if Jane Brody had anything to say about it, would be compelled to have at least two full-time cardiologists on the payroll. I used to go to a restaurant in Skokie, Ill., called The Original Big Herm's—The Hermitage, as I prefer to think of it—which served an Italian beef-and-sausage combo sandwich with sweet peppers that required three hands and fourteen small paper napkins to manipulate and consume, and then afterward there was the dry-cleaning bill to consider. In youth, my idea of a nightcap was four fingers of salami, a dozen chocolate-chip cookies, and a pint of butter-pecan ice cream, after which I slept the sleep of the just.

I talk a big game but, wretched truth to tell, live rather a small one. To get some numbers on the table, I am 5'7" and weigh 130 pounds. A further confession: I use a Nordic Walk-Fit, treading its inclined track to oblivion for at least half an hour every other day. I am, I suppose, fit as a fiddle, an odd simile since the same cannot be said for most of our contemporary fiddlers, Perlman, Zuckerman, Stern, enviably happy, chubby chappies all.

Each meal poses the question: Is it better to enjoy one's food and die younger or live longer with considerably lessened pleasure? Every day is the ides of March, and I await the knife—the knife not of the assassin but of the surgeon. I anticipate the procession: chest pain, stress test, angiogram, bloody blade, interior lanyards of arteries, quintuple, septuple bypasses leaving a thorax looking like a highway map around the city of Ypsilanti. Maybe I ought to order the whitefish.

The quickest way to get one's mind off the dangers that food presents for heart attack is to linger on the possibilities of cancer. Much help is provided here by the *New England Journal of Continuous Bad News*, with its regular reports of some new food freshly discovered to bring about cancer of the nasal passages, known to occur in especially high incidence in men under 5'8" and 140 pounds.

With these dour thoughts in mind, I have organized a personal diet I feel I can live with. I call it The Romanian Air-Force Diet. I don't know if Romania even has an air force, but if it does, I feel confident it's likely to be as inefficient and riddled with corruption as dieting itself deserves to be. The Romanian Air-Force Diet has a few simple rules:

1. Avoid dining with vegetarians, terribly earnest dieters, or anyone who tends to confuse the categories of gastronomy and personal virtue.

2. When cheating, don't dabble; eat vast quantities of life-threatening foods. Cheating on a diet, like cheating in love, is unsatisfactory if one goes only halfway; one doesn't, after all, invite a woman up to one's room just to neck.

3. Go a day or two every so often without eating anything that has been declared bad for you. This will give you that inflated sense of goodness that allows you really to plunge when the opportunity to do so next presents itself.

4. Think about the reward of longevity that awaits if you don't eat life-threatening food, longevity that is more or less likely to end in: one of the multiplicity of cancers, dementia, nursing homes with a roommate plainly not of your choice, not many laughs. After thinking about all this, order the cheesecake.

5. Remember that the diet craze is chiefly an American obsession. So far as we know, Europeans, on a much richer diet than ours, seem to be living no less long, while smiling more. Order that third glass of red wine.

6. Establish a clear goal. My own goal is to reach the age of 75, so that, after what will then be a 35-year hiatus, I can once again begin smoking cigarettes.

Buon appetito!

Joseph Epstein

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Why Are Catholics So Wimpy?

The Vatican thunders against abortion, tyrants, illicit sex, consumerism, dissenting theologians, disobedient priests and nuns, and more. But walk into your average parish. Where's the beef? We get crumbs — and platitudes. We don't hear much, if anything, about the Church's teachings on abortion, euthanasia, homosexuality, pre-marital sex, pornography, the indissolubility of marriage — "too controversial." Birth control and Hell are taboo subjects. Pop psychology and feel-good theology are "in." Sin is "out," prompting one to wonder why Christ bothered to get crucified.

Cowardly clerics, fearful of being politically incorrect or challenging the flock or offending some stray soul, keep the full Catholic message from us. In effect we're blindfolded — left to stumble in the dark, prey to false prophets and the sirens of the world, not even knowing why we're Catholic.

How long is American Catholicism going to censor itself, bow down before an alien culture?

We at the NEW OXFORD REVIEW, a monthly magazine edited by lay Catholics, say: Enough!

We refuse to turn the wine of Catholicism into the water of religious humanism. No wonder *Newsweek* calls us "cheeky"! We support the Magisterium, yet we're also ecumenical — engaging non-Catholics at the highest common denominator of faith, not the lowest. Many of the finest Catholic and non-Catholic intellectuals have appeared in our pages: Walker Percy, Jean Bethke Elshtain, John T. Noonan Jr., Peter Kreeft, Christopher Lasch, John Lukacs, Sheldon Vanauken, Avery Dulles. No wonder the *Los Angeles Times* calls us "influential." We hold high the banner of orthodoxy, but don't slight the demands of social justice. No wonder *Utne Reader* calls us "surprisingly original."

If you're a Catholic with the guts to really be Catholic, or a Catholic who's ready to have his spine stiffened, or if you're just a curious non-Catholic, subscribe today!

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Thoughts on Civil Society

As part of the "civil society" movement, I agree with Gertrude Himmelfarb's suspicions ("Second Thoughts on Civil Society," Sept. 9). Many civil-society proponents want to opt out of the public square, retreating within privatized walled towns and home schools. Disgusted by big government, they follow in the footsteps of the 1960s flower-child dropouts.

Strong families, sound education in moral virtue, and secure cities must be restored. The moral character of each individual—our habits of self-restraint, justice, prudence, courage, responsibility, and others that relate our selves to other persons—must grow and thrive in order to perpetuate freedom. But moral reformation is impossible without renewing civic virtue. Democratic institutions will not be preserved if individual citizens separate their personal happiness from the common good.

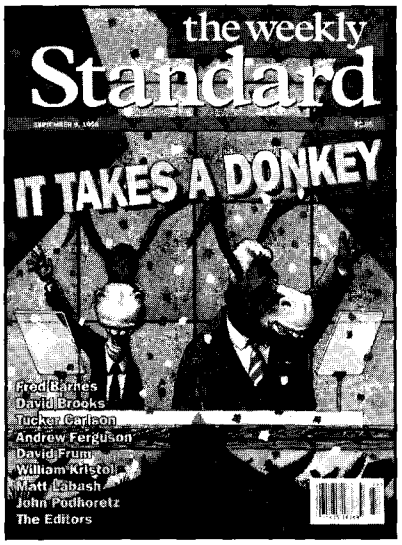
Citizenship requires us to enlarge our sense of selfhood to include our fellow citizens. But Americans needn't defend big government. Indeed we must use our power of citizenship to restore limited constitutional government.

The great Americans who signed the Declaration of Independence connected their individual interests with those of the whole nation. They knew that if our unique experiment in self-government failed, history would charge all Americans with the vices of slavishness instead of honoring our virtues as free men. Today, as then, civil society will never be revived until we take seriously our moral obligation to defend and love constitutional republicanism.

DENNIS TETI
WASHINGTON, DC

Gertrude Himmelfarb brings to light the necessary difficulties of reforming American democratic society. I was impressed with her candid debunking of political groups that turn civil society into a mere buzzword and political catchall. I heartily agree that serious social reform must begin with a careful examination of difficult moral issues, but Himmelfarb's article lacks perspective when she gives undue praise to Victorian philanthropists and undue scorn to government welfare programs.

She fails to mention that the philanthropy of the "great Victorian entrepreneurs" was made possible by the thousand broken backs and lost limbs of the industrialists' wage-slaves. Efforts like assistance for the unemployed or tough enforcement of alimony and child-support laws assure us that the sweatshops and child workers of the early 1900s remain relics of America's past. If this means that philanthropic acts, like those of Carnegie, Mellon, and Rockefeller, shall also remain relics, so be it. Let us not be too quick to celebrate dubious egoists like the early industrialists nor to condemn compassionate measures like unemployment assistance and child-support laws.



ADAM J. SINGER
WASHINGTON, DC

Gertrude Himmelfarb discusses her concern about "an inordinate individualism and an overweening state." It would have been more useful had she addressed the fact that a society dominated by those sinister people, judges and lawyers, can never be civil. After all, it has served their ends to turn us into the most lawsuit-happy country in the whole wide world.

JAMES D. HIGGINS
WHITE PLAINS, NY

Molten Swing

Eric Felten's intelligently written and historically perceptive article "Why The Big Bands Died" (Sept. 9) won't receive much disagreement from me, a discouraged but determined bandleader of the 1990s. After reading the article, however, I'm left with a very serious question: Does a composer/arranger who wishes to exercise his creative urges now have the right to do so within a big-band context, given the negatives contained in Felten's comments about modern jazz writers? It seems he's placed me and others like me between that proverbial rock and a hard place.

I sat in Count Basie's saxophone section for 11 years during the "April In Paris," "One More Time" era (1953-1964), so I knew very well what it was to swing hard for crowds of happy dancing feet. Until around 1956, 90 percent of the band's engagements in the U.S. were dances; then came the concerts and jazz festivals, where we performed the very same music and had 'em popping their fingers and tapping their feet. I suppose it was the magic of the Basie name that got us over, because I can't buy a dance gig for a big band now.

As leader of the Basie Orchestra from 1986 to 1995, I experienced a variety of reactions to our attempts to please dancers. The most disheartening thing was dealing with complaints from folks who were unable to dance to our music because it wasn't familiar to them. Yet during the same period, hundreds of people from Sacramento to Stockholm happily told us our music made them want to dance!

I'd like to have a dance band and a concert jazz orchestra, but it looks as though I'll be relegated to the latter. One thing I won't do is limit my band to tired old selections like "Pennsylvania 6-5000," "In The Mood," "String of Pearls," "Song of India," "Marie," and other à la 1940s Miller and Dorsey. I've got tunes in my book that swing twice as hard as any of these, but people can't dance to them because they aren't familiar.

Believe me, that was not the case in the Savoy Ballroom of the '40s and early '50s. Those folks danced to anything that swung, familiar or not! So now I've just about given up on the dance-band

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idea. Tell me, what's up, Eric? Am I somebody, or should I take up plumbing? I just want to make people happy with swinging music, either at a dance or a concert.

Further, I don't feel that I need much more than that 1 or 2 percent of the listening public who dig jazz, since that small fragment seems to comprise some of the only ones who haven't allowed their tastes to be tarnished by all the musical garbage out there. As a bandleader, I'm perfectly willing to let my listeners participate in the music, as Felten says, "letting them 'give to the beat' by dancing to it." But if they refuse, then I'll just be another modern jazz composer with "grand visions," indulging my own excesses. We'll see what happens.

FRANK FOSTER
SCARSDALE, NY

DEMOCRATS FOR *RENT*

Congratulations on John Podhoretz's dissection of *Rent* ("The Mike Douglas Democrats," Sept. 9). It's not surprising that Democrats would embrace this malodorous hodge-podge of a show; how better to relive the Spirit of '68 than by giving a musical finger to the "system," the "man," and the "sellout"? Sure, they may be able to afford a pair of $60 orchestra seats now, but, by God, their hearts are still with the people struggling to be true to themselves—though not, it seems, true to a work ethic or a sense of moderation.

What is surprising (and ultimately depressing) is that *Rent* won the Richard Rodgers Award from the American Academy of Arts and Letters as "best new musical" and that Stephen Sondheim—who not only reinvented the musical theater but gave us two of its greatest works (*Sweeney Todd* and *Assassins*)—was a mentor and supporter of Jonathan Larson, creator of *Rent*.

We can only hope *Rent* is the '90s *Hair*. Then, once we've suffered through the copycat musicals that will inevitably trail in its wake, it will close and Broadway will find a place for the struggling composers and lyricists who have worthwhile, intelligent things to say.

CHRISTOPHER-MICHAEL DIGRAZIA
LAWRENCE, MA

NO MORE TOUCHY-FEELYISM

Bravo on your editorial "The Dick Morris Democrats" (Sept. 9)! It brought attention to the slow deterioration of our political system. The politics of "we care-ism" are on the rise in America. No longer do we need reason and argument in our political discourse. The 1996 Democratic convention proved that a mature and in-depth debate on the real-life consequences of public policy will now take a back seat to emotionalism and bleeding-heart imagery. Judging from some of the tear-jerking scenes at the Republican gathering in San Diego, the GOP is not beyond criticism either. The GOP and this country cannot afford to engage in today's political fad of touchy-feely debate.

If the Republican party is truly the party of ideas, it must not only argue why the policies of the Left—policies that empower the government instead of the people—are wrong for America. It must bring reason back to political discussion and reverse the current trend towards sappy anti-intellectual discourse.

JOSEPH D. KENNER
ELMSFORD, NY

HOME ALONE AND SMOKING

The Scrapbook item "Al Gore and His Woes" (Sept. 9) was most interesting. Although other articles have exposed his hypocrisy, your item was concise and to the point.

There is one question that is never asked and perhaps you can answer it for me: Where were the parents of this 13-year-old Nancy Gore when she started smoking?

IRENE D. KNIGHT
COVINGTON, LA

BRIDGES AND LAUGHS

Once again your writers had me laughing out loud. This time it was Andrew Ferguson's "A Bridge Too Far" (Sept. 9). His dead-on analysis jerked Clinton's metaphor and agenda right to the edge of Owl Creek where they belong. And his report of Clinton's stand on drugs ("I hate them") had my husband and me grappling for your magazine so we could both read it on the train to work.

HEATHER PHILBIN
LAKE ZURICH, IL

A CANDIDATE REPLIES

Naturally, I was quite disappointed to read "Perot in the Debates? Just Say No" (Sept. 16). In this editorial, I was used as a foil to bolster the argument that Ross Perot should not be admitted to the debates.

In describing my candidacy, the editors obviously did not make even a cursory effort to familiarize themselves with my campaign or platform, the latter of which appeared in its complete form in *USA Today* on August 23. Without a modicum of prior knowledge, they trivialized a thoroughly researched, scientifically based platform that is far more extensive and comprehensive than either the Republicans' or the Democrats', citing instead specious statements I never made, statements that are a fabrication of the editors' imaginations.

In so doing, the editors do a disservice to the millions of Americans who signed petitions to put me and 700 other Natural Law party candidates on the ballot in 48 states and the District of Columbia.

The fact is, the Natural Law party platform promotes conservative, well-founded ideas—like the flat tax and school choice—that THE WEEKLY STANDARD would support and that Dole has been unable or unwilling to adopt.

JOHN HAGELIN
NATURAL LAW PARTY
CANDIDATE FOR PRESIDENT
FAIRFIELD, IA

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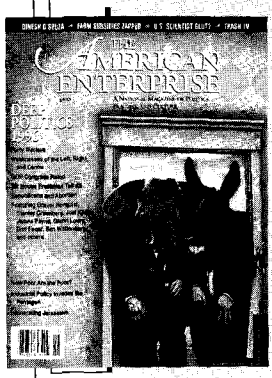

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the weekly Standard

ABORTION AND THE PRESIDENT

Americans worry endlessly and admirably over the quality of our virtue as a people. We do it more and more these days, groping to account for the latest statistical or anecdotal indicator of decline. Here we seem too coarse with one another. There we seem too easy on ourselves as individuals. And everywhere the preciousness of our lives—the idea that there exist certain lines of personal and social dignity that must not be crossed—seems badly eroded. You can almost feel the country's desperation whenever it catches a glimpse of itself in the mirror.

Our politicians can feel it, too. They are eager to earn partisan advantage from all the nervous national self-scrutiny. So they throw fat clods of talk at one another about character and principle. With few exceptions, this charge-and-countercharge routine skitters ineffectually over the surface of quotidian reality. Bill Clinton is ethically rudderless and untrustworthy, Bob Dole says: The president does regular violence to the truth. Bob Dole is ethically rudderless and untrustworthy, Bill Clinton responds: Dole's tax and budget proposals would do violence to the elderly, the poor, the Earth itself.

PARTIAL-BIRTH ABORTION IS THE MOST BRUTAL ASSAULT ON HUMAN LIFE OUR LAWS PERMIT. BILL CLINTON PRESERVED THE PRACTICE WITH HIS VETO PEN; BOB DOLE WOULD END IT.

Dole is right. Clinton isn't. But neither man's accusation, at this late date, can much persuade anyone not already convinced of its justice. The debate therefore holds little promise of resolving the most obvious problems now gnawing on the American conscience. Such a stalemate in moral argument works this year to the benefit of President Clinton's reelection campaign—blessed as it is to take place in a country enjoying economic growth and relative peace overseas.

How, then, might the Republican presidential campaign revivify morality as a political question? On which of the myriad issues dividing the two major-party contenders this fall might a national decision—in Bob Dole's favor—actually and immediately improve the quality of American virtue?

There is one. It is abortion, partial-birth abortion in particular.

As many as several thousand American women each year undergo the procedure. At the beginning of a partial-birth abortion, the baby—in the seventh or even eighth month of fetal development—is manipulated by forceps into a feet-first, breech position. It is then, alive and sentient of pain, removed from its mother's body, all but the head. And scissors are next forced through the base of the baby's skull by the surgeon, who finally evacuates the child's brain with a suction catheter.

It is the most brutal assault on human life our laws permit. Bill Clinton, with his veto pen, defends the practice. Bob Dole, were he to occupy the Oval Office, would sign a bill to end it. Here, at last, we have a practically and morally consequential difference on our presidential ballot.

And yet the two men have so far directly engaged each other on this controversy only once. During a May speech in Philadelphia, Dole suggested that Clinton's then-recent veto of the congressional ban on partial-birth abortion "pushed the limits of decency too far." Before Dole had even left the hotel in which he made these remarks, White House aides were paging attending reporters on their beepers, reminding them that the president's veto was necessary to defend the Constitution, since the legislation failed to include a "health of the mother" exception. And within hours, Clinton himself had joined the fray.

"I am always a little skeptical when politicians piously proclaim their morality," the president announced. He instantly went on piously to proclaim his own. He had acted to defend pregnant women suf-

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fering unusual prenatal complications, Clinton claimed, women for whom partial-birth abortion is "the only way" to avoid "serious physical damage, including losing the ability to ever bear further children." If their doctors are not allowed, as the president put it euphemistically, "to reduce . . . the head of the baby," these women "are going to be eviscerated." It is "okay" with Bob Dole, according to Clinton, "if they rip your body to shreds and you could never have another baby even though the baby you were carrying couldn't live." So "I fail to see how [Dole's] moral position is superior to the one I took."

Well. For a man with an unerring nose for the slipperiest middle way through any given political dispute, President Clinton is this time caught stark naked on the argument's extreme. And he is breathtakingly dishonest about it, to boot.

By the logic of Supreme Court jurisprudence, a pre-fetal-viability abortion may not be banned if no other procedure exists that equally serves the mother's health interests. Does this mean that if partial-birth abortion is the best and only solution for certain pregnant women, the Constitution requires that it remain an option?

Actually, no. The original plaintiffs in *Roe* v. *Wade* successfully challenged articles 1191-1194 and 1196 of the Texas Penal Code, which prohibited abortion for any purpose other than saving the life of a mother. But the *Roe* plaintiffs declined to challenge article 1195, which criminalized abortion of "a child in a state of being born and before actual birth, which child would otherwise have been born alive." This provision of Texas state law—a ban on partial-birth abortion—remained on the books following the *Roe* decision. It is still there.

And in any case, partial-birth abortion is *not* the best and only solution for pregnant women facing the fetal complications the president most commonly cites: hydrocephaly, gross abdominal wall defects, or chromosomal trisomy. The "medical community . . . broadly supports the continued availability of this procedure" in such cases, Clinton claims. Hardly. Partial-birth abortion is not taught in a single medical residency program anywhere in the United States. It is not recognized as an accepted surgery by the American College of Obstetricians and Gynecologists. No peer-reviewed medical journal has ever passed on it. Last September, the American Medical Association's Legislative Council voted unanimously to endorse a ban on partial-birth abortion.

Instead, according to abundant public testimony, the "medical community" routinely preserves the health of those women President Clinton wants us to believe cannot otherwise be helped. Their prognosis, according to former surgeon general C. Everett Koop, an expert on the subject, "is usually good." Many or most of them can experience future, normal pregnancies. Meet Margaret Sheridan of Chevy Chase, Maryland, who lost a son to Trisomy 18, 45 minutes after his birth. Mrs. Sheridan has subsequently borne five children, all normal. And not all of these women's afflicted children must die. Meet Andrew Goin of Orlando, Florida, who was born with his stomach, liver, spleen, and small and large intestines exposed—outside his body. Next month Andrew will celebrate his first birthday, healthy and alive.

What risk would Bob Dole run in highlighting partial-birth abortion during the remaining few weeks of his campaign? Why should he not explain the issue—and his position on it—at length, every time he appears in public, not just when he is addressing committed pro-life audiences? Why, for that matter, should the Dole campaign not make a television ad about partial-birth abortion and spend a million dollars, or two million dollars, to broadcast it nationally?

It is a rule of thumb in contemporary American politics that candidates who make more than passing mention of abortion do so at their own peril, since so many voters are queasily conflicted about the subject and resent even being asked to think about it. That rule of thumb holds sadly true, for the most part, and our national abortion controversy remains largely submerged—and wholly unresolved—as a result. But partial-birth abortion is different. It is an entirely horrible idea for almost everyone who comes fully to understand it, and most of them instinctively recoil from any public figure prepared to endorse the practice. As many have already recoiled from the president.

In the next few weeks, the House of Representatives, with support from scores of Democrats, including minority leader Dick Gephardt and minority whip David Bonior, will probably vote to override Clinton's partial-birth veto. The Senate will probably fall short of the 67 votes necessary to enact the ban into law. No matter. The debate and the votes will embarrass the president and further, deservedly, demonize partial-birth abortion.

If that's the end of it this year, of course—if Bob Dole neglects to burn the issue into national consciousness and President Clinton goes on, as now seems likely, to win reelection—then partial-birth abortions will continue to stain the American landscape for at least another four years. How much better it would be—for Republican electoral prospects *and* for the country—if Dole made the cause his own.

—David Tell, for the Editors

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THE BAER IN THE WOODS

by Christopher Caldwell

THE CLINTON WHITE HOUSE is more spectacularly "on-message" than any administration in memory. For example, every single person working there, from economist Gene Sperling down to the lowliest receptionist, has *exactly the same worry* about Bob Dole's proposed 15 percent tax cut: It will "blow a 500-billion-dollar hole in the deficit." Not "create a gap." Not "open a shortfall." Nope . . . "blow a hole." And if you are wondering what the election is about, you can be sure that whether the speaker is George Stephanopoulos or Ann Lewis, the answer will be the same: "Opportunity, Responsibility, and Community."

If this sort of thing is worthy of praise, then much of it must go to communications director Don Baer, the former political correspondent who was hired away from *U.S. News & World Report* to serve as director of speechwriting. He has held the top communications post for the past year. A lanky North Carolinian, with thinning hair and gold-rimmed glasses, Baer occupies a windowless and much-visited office in the West Wing. While Baer describes his job as "using all the tools of the presidency to convey the message," his White House co-workers say the job goes further than that.

Kent Lemon

Don Baer

"Obviously he's a very good communications director in terms of crafting a message that has a beat you can dance to," says Tony Snow, a Baer predecessor as speechwriting chief in the Bush administration. "Even when the president is flip-flopping on issues, it looks natural. The Clintons are almost pathologically on-message. There's not the hemming and hawing that you have in the Dole campaign, or had in the Bush White House. It's working."

Baer spends about a third of his time working on speeches (he wrote two of the president's best-received addresses, one the Nixon eulogy and the other a Noonanesque tribute to the fallen at Normandy) and vets all presidential pronouncements written by White House staff. He was also instrumental in working what may have been the first bridge metaphor of 1996 (as in "bridge to the twenty-first century") into a July 4 speech in Youngstown, Ohio. He's in charge of sending internal talking points (as in "blow a hole in the deficit") around the administration to make sure everyone's on the same page.

But influential as Baer's rhetoric is, he's not merely a scribbler. One White House aide calls Baer "the Gil Favor of the White House message" (after the trail boss in *Rawhide*). "He's involved in every aspect of governing. *Is an idea ready? Is a speech ready? How do you look at the week?* He truly drives this thing." Many in the White House credit Baer with being among the first to recommend stripping Clinton's agenda down to two things—the budget and Bosnia—during the government shutdowns last winter, a turning point in presidential discipline. Baer is also deeply involved in policy debates within the West Wing, associates say, and exercises a lot of sway over how ideas will be framed. If an idea can't be sold, it won't be put on the table. His is a style that seamlessly meshes policy initiatives and communications themes into a single style of governing. The in-party always claims it brings voters into the political debate. The out-party always calls it "the permanent campaign." But it's not new, and whatever it is, Baer has quickly mastered it.

He is also a reflection of Clinton's move to the center; his very hiring two years ago, in which he was layered over other more liberal and more senior writers, indicated a shift in strategy at the White House. In the past year, he was tagged as the inside man for Dick Morris's "values strategy." When the weekly evening "Charlie meetings" (after Morris's code name), held in the Yellow Oval Room in the White House residence, were broadened beyond Clinton and Morris, Baer was one of the first trusted staffers admitted to them. Baer was likewise a key participant in the midweek "Message Meeting" that Leon Panetta set up as a competing venue after Clinton's balanced-budget declaration in June 1995. (Morris eventually took that meeting over as well.)

Baer thinks Morris's primary contribution was to highlight ideas and proposals Clinton already had. In a strictly rhetorical sense, he's right: Clinton gave a

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speech to the Democratic Leadership Council in 1991 that featured the same themes as his 1996 convention address. It was Baer, together with policy aide Bruce Reed, who resurrected the "Opportunity—Responsibility—Community" triad from that 1991 speech. They first used it, glancingly, in the 1995 State of the Union and, *con bravura*, in Chicago three weeks ago.

But Clinton has given speeches on every side of every issue, and Morris did more than pull out the best tropes: He kept Clinton himself on-message and effected a historic rightward shift. With Morris gone, many inside and outside the White House think Baer could provide the missing "Morris influence."

Baer likes to say, "I'm just a translator." He was responsible for conveying the essence of Clinton/Morris to writers and mid-level policy staff. And he did it in a way that earned him the high Washington compliment of "honest broker." That ability to stay at one remove has kept him popular at the White House even in the wake of the tumult over Morris. (Baer and Morris have not communicated since the latter's resignation.)

His popularity has another source. White House aides say there's a division of labor by which Baer (along with Reed and other policy thinkers) is responsible for crafting a "positive" message, while Stephanopoulos and Rahm Emanuel, who head the "rapid-response teams," are in charge of the negativism.

Baer is not like those revolving-door types who moan about politics and describe themselves as "really a journalist." No: He likes this. He was a teenage Democrat, and one of his early post-college jobs was helping implement an affirmative-action program at the University of North Carolina, which was still under a court order to desegregate. (His own view of affirmative action is, "Mend it, don't end it." Hey, didn't Bill Clinton say something *just like that*?) After four years of practicing law in New York, he was hired at the Washington-based weekly *Legal Times*. Two years later he was at *U.S. News*. By the time he left the magazine, he was editing its Outlook section.

"It didn't surprise me at all that he was categorized as being in the Morris camp," says a colleague from *U.S. News*. "There was something . . . both centrist and pragmatist about him. Most people working for him wouldn't have been able to identify his politics. To a fault, he's more interested in the process of politics than in any ideology: Who's getting screwed by whom, . . . how this pointed up the hypocrisy of this person's position. It didn't matter whose hypocrisy that was—Republicans' or Democrats'."

Baer has an affinity with Clinton. While he had connections with the Clinton White House—he had worked with David Gergen at *U.S. News* and befriended Mark Gearan, his predecessor as communications director, during the 1988 Dukakis campaign—he was not a Gergen protégé, and if anyone was most instrumental in bringing him on board, it was the president himself. Clinton liked the articles Baer contributed to *U.S. News* during the 1992 campaign. While other journalists—David Shribman of the *Wall Street Journal*, Joe Klein of *New York*, Ron Brownstein of the *Los Angeles Times*—ignored the more sensational aspects of the campaign for enthusiastic grapplings with "Clintonism," Baer wrote with extreme empathy about Clinton's background.

"I think it's a southern thing," says one of Baer's journalist colleagues, who also knows Clinton. "Being of the South and still being rooted there, yet being driven and ambitious enough to prove oneself in the larger world—the two of them have a lot in common." While Baer has always been a loyal Democrat, he's not necessarily a liberal. Like Clinton, he has an idiosyncratic, instinctive, generally progressive politics that winds up at beyond-left-and-rightism. This enthusiasm can appear like ideological non-commitment or caginess. One New Democrat who met Baer at a dinner last year described him as "bland beyond description, a fount of clichés. 'Clinton was the moral leader of the Universe,' and all that." But that's only to echo the complaint adversaries make about the administration itself. Baer is, several people interviewed for this article said, "the ultimate Clinton Democrat." ♦

A Plan To Save Conventions

by Robert W. Merry

The late Alan Baron, the roly-poly political analyst and Washington raconteur who edified and amused the nation's political cognoscenti for two decades before his death in 1993, used to watch the slow atrophy of the national party conventions with sadness and pain. And he concluded there was only one solution—a reform so simple and so effective that it probably never would be adopted: the two-thirds rule.

If the parties could muster the boldness and confi-

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dence to require a two-thirds majority for their presidential nominations, the current slow death of the party conventions would be reversed. And soon the conventions would be restored to their former robustness, verve, and excitement.

It was never clear to what extent Baron's tongue was in his cheek when he advocated the two-thirds rule. But he clearly harbored no doubts that it would restore and save the conventions.

Of course, the idea would generate considerable opposition. Some would consider it decidedly undemocratic. After all, the Democrats' old two-thirds rule, tossed aside in 1936, was instituted to give the anti-black South a veto over any candidate who wasn't sufficiently segregationist. And many would wonder whether we really want to give so much power to minority interests within the parties, such as the religious Right.

But Alan Baron understood something that today should be obvious to all: However flawed the Democrats' old two-thirds rule was, its ills didn't come close to the ills of the current system.

REQUIRING A TWO-THIRDS MAJORITY FOR PRESIDENTIAL NOMINATIONS WOULD RESCUE THE POLITICAL CONVENTION FROM EXTINCTION.

The party conventions have been rotting in quadrennial steps for years. First, the decision-making role of the conventions was obliterated. That sapped the suspense and excitement that once riveted the nation at convention time. That led convention planners to tailor their proceedings to the eye of network television, which led network executives to abandon the proceedings in disgust. That in turn led to desperate efforts by party functionaries to bring back the cameras with the kind of fare that draws big audiences for *Entertainment Tonight*.

So in place of raucous politics with actual meaning we get, at the Democrats' confab, the Macarena, Christopher Reeve in a touching but politically irrelevant talk, and persistent heartstring tugs with stories of human drama that have little political meaning. Or, at the Republicans' event, a program so scripted and sanitized it could pass for a high school assembly. Watching these things is like eating a mayonnaise sandwich on Wonder Bread.

The result is that, in coming campaign years, the conventions will be scaled back, then finally put to sleep entirely.

But that will be bad for the parties—and very bad for American democracy. Without their conventions, without a quadrennial gathering to explore and deal with party crosscurrents, fault lines, conflicting impulses, and elements of unity, the parties themselves will continue to atrophy, until they finally lose all reason for being.

Now consider what would happen if we had the two-thirds rule. First, the dynamics of the primary season would change utterly. In the current system, the political psychology leads to the frontrunner's being anointed early, as the money and political support for also-rans dry up. But, if the frontrunner had a steeper, longer hill to climb to nomination, competitors could hold their support longer, and their cash spigots would stay open longer.

After all, if the frontrunner could be denied a first-ballot victory, anything could happen in subsequent ballots. And anyone with a cache of convention delegates could wield big influence in the final nominating decision.

What's more, a return to convention-brokering would give states a big incentive to return to the old days of choosing convention delegates through caucuses and state conventions. Party pros would want to amass and husband convention clout, and the way to do that would be to abandon primaries.

Perhaps we would see a return to the "favorite son" ploy, in which big states send their delegates to conventions committed to the state's top party bigwig, all the better to play an influential role in the convention deal-cutting that would emerge in any multi-ballot convention.

All this in turn would have a large impact—and a healthy one—on the nominating process. With fewer primaries—designed essentially to prove vote-getting strength—it wouldn't take so much money to run for the nomination.

The presumed $20 million entry fee (in today's dollars) would be scaled back to the point where the field of potential candidates could be expanded. The fund-raising game, now such an integral part of the process, wouldn't winnow possible candidates so brutally before the race even gets started.

The two biggest objections to this simple reform are that it is antidemocratic to require a supermajority and that it would give too much power to minority interests.

But what is so antidemocratic about giving particular interests enough clout in convention deliberations to reflect their numbers on the convention floor? If African Americans in the Democratic party or the religious Right in the Republican party can amass 25 per-

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cent of the delegates, why shouldn't they be able to leverage the political power represented by those numbers?

They wouldn't be able to dictate the nominee, after all. They might have a veto power in the early negotiations, but eventually they would have to compromise on the final decisions, as would every other state delegation, presidential candidate with delegate strength, and interest-group contingent.

And think what this would do for conventions—and the parties. There would be a high likelihood of political intrigue at the quadrennial party gatherings, which would generate suspense, which would in turn generate political interest across the land. Instead of complaining about a lack of stories, reporters would be out and about trying to explain to their readers and viewers the complexities and likely outcomes of this intriguing new system.

And the intrigue and suspense would generate real debates, efforts by speakers at the podium to send waves of political sentiment across the hall. Today's fluff would be replaced by tomorrow's raucous discourse and real political substance.

Who knows? It might even diminish the growing political cynicism that is eating away at the body politic like acid. I think the parties should give this a try. They can call it the Baron Rule.

Robert W. Merry, executive editor of* Congressional Quarterly, *is the author of* Taking On the World: Joseph and Stewart Alsop—Guardians of the American Century *(Viking).

DRUGS: THE PRESIDENT MATTERS

by John P. Walters

HIS YOUNG AUDIENCE KNEW Bill Clinton was talking about marijuana, but imagine for a moment that the soon-to-be president was referring instead to cigarettes in the 1992 forum he conducted with young people on MTV. Asked whether he would "inhale" given the chance to do it "over again," Clinton replied, grinning, "Sure, if I could. I tried before."

Of course, the president would never joke about tobacco in this way; he recognizes the importance of exercising moral leadership on the issue of cigarette use by kids. But when faced with criticism for the alarming increase in drug use among young people, the Clinton administration and its defenders claim the drug problem is beyond even the president's reach—that it is a function of the *Zeitgeist* and resists political solutions.

MORAL LEADERSHIP IS IMPORTANT. BILL CLINTON WOULD NEVER JOKE ABOUT CIGARETTES THE WAY HE ONCE JOKED ABOUT HIS USE OF MARIJUANA.

Speaking on CNN shortly before his speech at the Democratic convention, the president argued that the rising numbers of young drug users weren't his fault because "the patterns, interestingly enough, are the same in Canada and several European countries." UCLA professor Mark Kleiman agreed: "These are complex societal trends." Yale professor David Musto has said as well that "we are dealing with a larger shift in values and attitudes."

Yet contrast Clinton's easy acquiescence in the cultural currents affecting drug use with his zealous attack on tobacco use. "This epidemic is no accident," he said at a Rose Garden ceremony where he announced that tobacco would henceforth be regulated by the FDA. "Children are bombarded daily by massive marketing campaigns that play on their vulnerabilities, their insecurities, their longings to be something in the world." Tobacco use is, in other words, one societal trend the government is willing to try to control. But while the president has promised to move "Joe Camel and the Marlboro Man . . . out of our children's reach forever," he has been quick to avoid responsibility for, or even discussion of, drug use.

It's easy to see why. Since he was elected, the use of illicit drugs by children as young as 12 has more than doubled. A recent Health and Human Services survey shows that teen use of marijuana and cocaine is up by 141 percent and 166 percent respectively since 1992. LSD use among high-school seniors has reached a twenty-year high, and 34.7 percent of seniors now smoke marijuana at least occasionally. After steadily and dramatically declining from the late 1970s until 1992, in less than four years illegal drug use threatens to become part of the lives of a majority of our teenagers by the time they reach age 18.

Is it reasonable to accept, as Clinton would have us

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believe, that the president of the United States lacks the power to alleviate, or turn back, a seismic change in attitudes among young people, or an increase in addiction among adults? Three decades of painful experience with illegal drugs show that it is not.

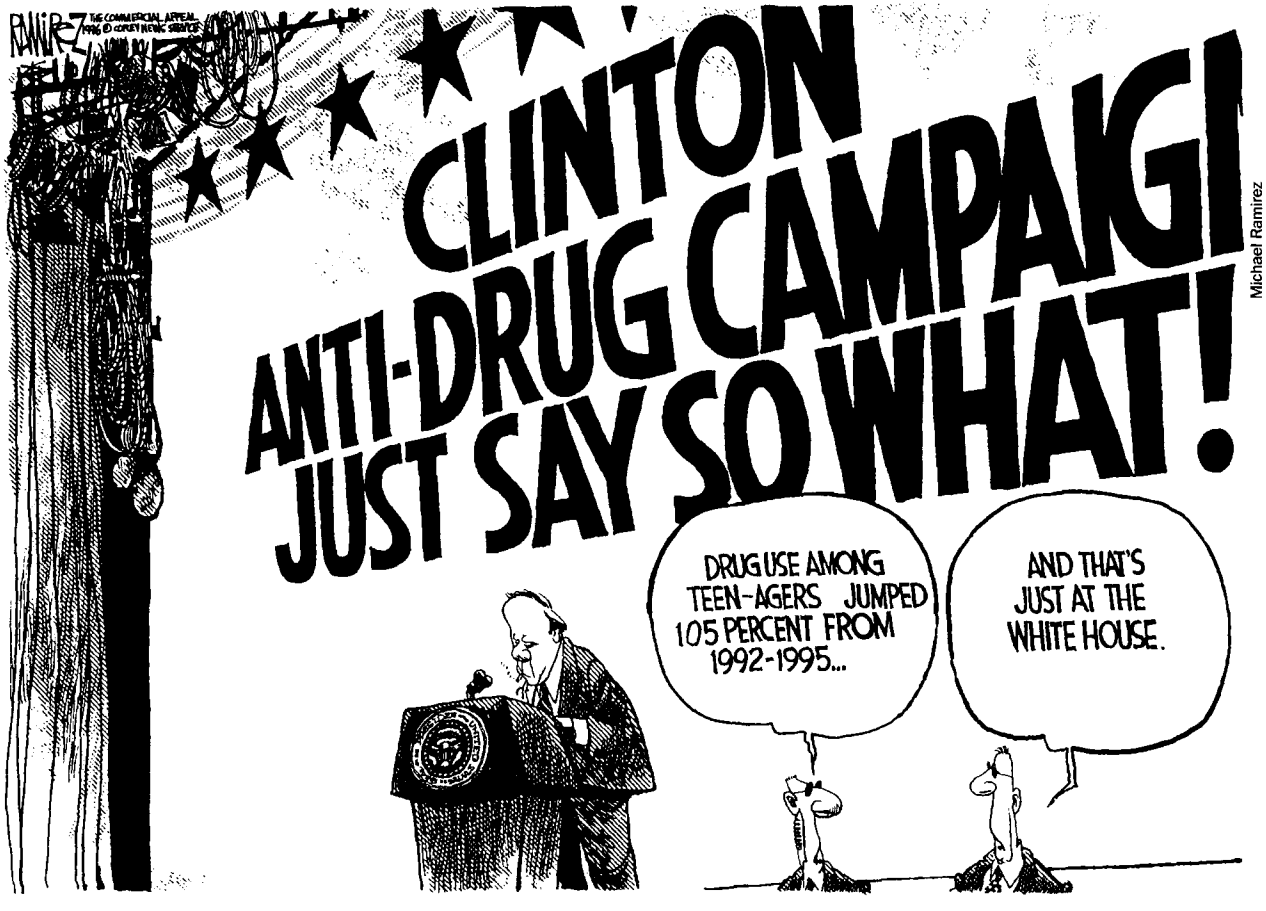
First, perhaps the most important lesson of our history with drug use is the fact that those who do not get involved with illegal drugs before age 20 almost never do after that. And the earlier and more heavily teenagers become involved with illegal drugs, the likelier it is that they will go on to become addicts.

Children learn by example, and the example set by the Clinton administration has been one of indifference and even casual tolerance of drug use. The president has let his most remembered statement on this topic remain "I didn't inhale." At a time when many businesses in this country have made great strides to create drug-free work places, the Clinton White House hired individuals whose drug use was so extensive and so recent that the Secret Service recommended denying them access to the most world's most prestigious office building. Jay Leno joked that the Smashing Pumpkins has a tougher drug policy than the Clinton White House.

Some will argue that kids don't listen to what the president says. Fair enough. The most critical program for preventing drug use is the one run by parents. But parents—especially baby-boomer parents—have been falling down on the job. More than one-third of children say their parents have never even had a talk with them about drugs. This despite the fact that 46 percent of parents fully expect their teenage children to try drugs. Among boomer parents who experimented heavily with marijuana as young people, the figure rises to 65 percent. Is it too much to expect President Clinton to try to shape attitudes among his peers, when his election in 1992 was widely hailed as a harbinger of that generation's accession to control of American institutions?

More broadly, the president has failed to offer even token support to the efforts of religious leaders, communities, law enforcement, medical personnel, and local officials. These efforts are unquestionably aided by political leadership, as New York Democratic representative Charles Rangel acknowledged when he said Clinton's lack of leadership makes him nostalgic for Nancy Reagan.

Of course, Clinton's unwillingness to target drug



Michael Ramirez

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use among young people is not the sum total of the drug problem. There are addicts. HHS estimates their number at 7 million, most of whom started out as young drug users in the 1970s and 1980s.

Hard-core drug use is defined by doctors as a chronic condition, meaning that the only hope for most addicts is detox followed by repeated stays in a treatment facility. The best way to reach addicts is to drive up the price of drugs. Because addicts can only beg, borrow, and steal so much, making drugs expensive and reducing their potency forces addicts to spend their limited disposable income on a smaller quantity of lower-quality drugs—a major incentive to enter treatment.

Having cheap drugs—lots of drugs—tends to lead to increased numbers of addicts in hospital emergency rooms. Make drugs expensive and lives are saved. In 1989 and 1990, the Bush administration's concerted effort to interdict the flow of drugs into the United States contributed to a 43 percent increase in the price of street cocaine—which was accompanied by a 27 percent reduction in cocaine-related emergency-room admissions and overdoses.

These numbers have been roughly reversed under Bill Clinton, despite a drug strategy that is supposedly targeted at hard-core addicts. The Clinton strategy deliberately deemphasized measures like interdiction that make drugs scarce and expensive. As a result, prices have fallen, use is up, and addicts are getting sicker.

Are there other non-policy causes behind this increase in drug use? Of course. No social phenomenon can be reduced to a single cause, and there is even some evidence that drug use among a small subset of young people was already increasing at the time Clinton was elected. But the U.S. government has successfully managed two major drug epidemics in this century. Bill Clinton is not a hostage, lashed to the mast of a sinking ship. He is the president, and there are things he can do to reduce the drug problem. Instead, he has done things that have helped make it worse.

John P. Walters is co-author, with William J. Bennett and John J. DiIulio, Jr. of **Body Count** *(Simon & Schuster). He served in the drug czar's office during the Bush administration.*

School Choice Since 1869

by Libby Sternberg

NESTLED IN THE MOUNTAINS of lush Vermont is a tiny town called Chittenden (pop. 1,102) that may soon become embroiled in a constitutional controversy. Like many small Vermont towns, Chittenden has no high school. Instead, its high school students are "tuitioned" by the town to the school of their parents' choice.

That's right—Vermont has school choice; has had it, in fact, since 1869. Under this system, parents in tuitioning towns have sent their children to a variety of state-accredited public and private schools, including some religiously affiliated ones and some out-of-state, for many years. Towns pay tuition for each of their students, up to the average cost of schooling in the state.

Until 1961, parents' options included Catholic schools. Then the Vermont Supreme Court held this practice unconstitutional, a violation of the First Amendment's establishment clause, which prohibits the establishment of religion. Nonetheless, tuitioning to other private schools, some with denominational affiliations—Quaker and Episcopalian, for example—continued. And in 1994, the Vermont Supreme Court ruled again, this time that it was indeed constitutional for the town of Manchester to reimburse a parent for tuition at St. Andrew's School, an Episcopalian institution in Delaware. But while the justices unanimously upheld the reimbursement, they cautioned against reading too much into their judgment because of the paucity of precedent. Perhaps another case, another day, another set of circumstances would fully decide the issue.

Now "another day" is here. The Chittenden School Board, which is tuitioning some 70 students to high schools this year, voted unanimously to approve tuitioning of students to a nearby Catholic high school, Mount Saint Joseph Academy. About 17 students have chosen MSJ.

Tuition at Mount Saint Joseph is around half what it costs to tuition kids to public schools. Chittenden, thus, will save money on its MSJ students—money that can then cover other public-education expenses. Such savings are a boon to a school board struggling to come up with a budget that can win public support, in a state where school budgets are put to a vote of the people.

Now the board and the town are caught in a constitutional quandary. No sooner was their decision announced than the Vermont branch of the American

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Civil Liberties Union and the state itself leapt to bar the schoolhouse door. The ACLU publicly recruited possible plaintiffs to sue the town and stop the tuitioning to MSJ. The state used a much bigger club: On the ground that Chittenden "unreasonably refuses to comply with the law," it is threatening to withhold $170,000 in state education funds if the town proceeds. Chittenden, of course, argues that its position is more than reasonable. Not only did the Vermont Supreme Court's 1994 ruling seem to open the way for tuitioning to religious schools, but the school board sought and received a legal opinion that verified its own interpretation.

Chittenden's case will go to court soon. School-choice public-interest lawyers filed an injunction to block the state's withholding of funds. If they are successful, the constitutional issue will truly be put to the test, as the case wends its way through Vermont's legal system and eventually, perhaps, to the highest court in the land.

If the injunction fails, however, Chittenden will face a tough decision: whether to proceed with a policy that will cost it its state funds for education, bring on a suit from the ACLU, and entail heavy legal expenses, for what remains an uncertain outcome in the courts.

School-choice advocates would love to see the constitutional issues tested. In Vermont, the public reimbursement of private schools is no newfangled voucher program. It is not an experiment in educational freedom or a campaign ploy. It is a functioning system with a long history of success. It is a neutral system, in which the state plays no role except to divvy up the money: It is parents, not government, who choose from a spectrum of established schools, both public and private.

Chittenden's experience refutes several perennial arguments against school choice:

1. *School choice will siphon public funds away from public schools, thus leading those schools to decline.* The lower tuition at the Catholic school means choice saves Chittenden money. And even though Chittenden parents have been free to choose between public and private schools for years, the public schools in the area attract the majority of students, a testament to these schools' perceived quality. Parents will choose public schools that they believe meet their children's needs.

2. *School choice will destroy a sense of community and*

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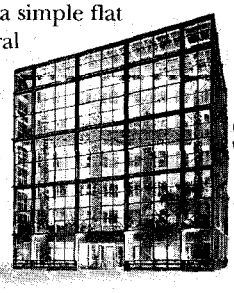

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commonality. In Chittenden, the small-town life for which Vermont is famous thrives, despite the fact that children have long gone to different schools. The town is divided over the current controversy, but the annual community festival went off as usual.

3. *School choice will result in schools divided along racial, ethnic, religious, or other lines.* Federal law prohibits discrimination even on the part of private schools. And there is no indication that Chittenden's parents choose schools for any reasons other than educational quality, proximity, or special programs—all relating to their children's needs.

Finally school-choice opponents insist that public reimbursements to religious schools are unconstitutional, as if this were a settled matter. In fact, the U.S. Supreme Court has not ruled on a tuition-reimbursement program like Vermont's, which treats public, private, and religious schools the same. This is indeed the central question about comprehensive school choice, since more than 80 percent of the nation's private schools have religious affiliations. It is time the question were resolved, and the Chittenden case seems a fine one to press for a definitive ruling.

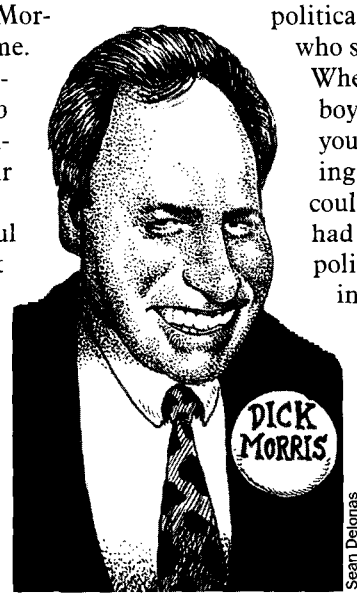
Libby Sternberg is a freelance writer living in Vermont and a member of Rutlanders for School Choice.

In Defense of Hypocrisy

by Ramesh Ponnuru

Conservatives have been having a lot of fun with the Dick Morris affair. And far be it from me to be a spoilsport. It's hard to top a story with toe-sucking! prostitutes! and a love—or is it lust?—child! (Although Roger Stone has managed to top it with a story that makes Morris's sex life look positively wholesome. These consultant types are so competitive.) And Republicans have been able to score a few political points about the company the Clintons have kept and their manifest lack of embarrassment about it.

But conservatives ought to be careful in exploiting the Morris scandal, lest they reinforce an idea that is typically used to their detriment: the notion that hypocrisy—in this case, Morris's deft positioning of President Clinton as a family-values candidate while conducting an affair with the founder of A Woman's Personal Touch cleaning service—discredits the ideas associated with a hypocritical purveyor.



Sean Delonas

Accusations of hypocrisy have become a leitmotif of political coverage. Opponents of the Defense of Marriage Act pointed with glee to the thrice-married Bob Barr's leading role in pushing it. Divorcés like Rush Limbaugh, Bob Dole, and Ronald Reagan have been judged hypocrites for defending "family values." Bob Packwood's sexual harassment was widely held—by his ex-wife, among others—to be a betrayal of his feminist record. (He was arguably being a perfectly consistent sexual liberal, but that's a topic for another day.) Politicians who admit to having inhaled are taken to lack the moral standing to take a tough line on illegal drugs.

These examples suggest why the hypocrisy standard typically works to undermine conservatives—or, as in Morris's case, non-conservatives who are pushing the political debate to the right. It is, in effect, a political weapon deployed solely against those who seek to raise public standards of morality. When Hugh Hefner moved out of the Playboy mansion the better to bring up his two young sons, nobody accused him of not living down to his principles. And Morris could have avoided the charge of hypocrisy had he frankly advocated indulgent social policies. Even in policy areas not explicitly involving morals, the hypocrisy standard can be a device for filtering non-liberal policy ideas out of public discussion. For instance, people who haven't served in the military are criticized if they favor strong defense and foreign policies—but anyone can advocate dovishness.

Now, if only saints could defend virtue, virtue would never have a chance. If conservatives acquiesce in liberals' definition of hypocrisy as the only private sin that deserves public censure, they will have politically neutered themselves.

Besides, hypocrisy serves an important social function. If a public standard of moral conduct is to have any force at all, inevitably some people who believe in that standard will sometimes fail to meet it. For a society to be both decent and tolerable requires a healthy

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amount of hypocrisy—as it requires judgmental gossip, which is also less than ideal but better than the alternative of moral indifference. If a society doesn't want to see many of its members fall short of its moral standards, it can only have minimal or nonexistent standards. Which is, of course, the direction in which modern liberalism pushes America.

It is surely worse to profess what one does not really believe than it is not to live up to an ideal in which one does believe. Yet journalistic references to hypocrisy tend to lump the two together. This practice is, I think, born not just of cynicism but of the failure of the liberal imagination. And here we come to the heart of the matter. Social and cultural liberals, including most reporters, have a hard time picturing what a conservative moral order would look like. When Dan Quayle was asked what he would do if he had a daughter who had an abortion, some reporters seemed genuinely to find it "inconsistent" for him not to have declared his willingness to kick her out of his house into the snow. People who don't believe in sin apparently don't believe in forgiveness either. Nor, ultimately, can they believe in human weakness, which is why they regard discrepancies between conviction and conduct as harshly as they do. Conservatives ought to have a better understanding of human nature.

No discussion of hypocrisy would be complete without a reference to La Rochefoucauld's great line that it's the tribute that vice pays to virtue. If there's going to be vice—as of course there is—then better that it pay tribute to virtue than not. Such tribute is the closest some of us get to the real thing.

Ramesh Ponnuru is* National Review*'s national reporter.

JIMMY'S STORE

by William Tucker

Brooklyn

THERE'S A LITTLE NEWSPAPER STORE in my neighborhood my family and I have grown very fond of. It's the kind of place that brings memories of your own youth—filled from floor to ceiling with comic books, miniature cars, whiffle balls, all the impossibly desirable amulets of childhood.

The owner is a Korean immigrant named Jim. He gives our kids so much candy I sometimes hesitate to take them in there. Still, nothing excites them as much as a trip to the place they call "Jimmy's store."

Jim is my age. Over a decade we've exchanged enough tales about politics, schools, and homework assignments that we've become friends. Like many immigrants, he is quietly appalled at America's social chaos and amazed that the elites seem to take little or no notice. "How come the *New York Times* never says anything good about President Reagan?" he once asked me confidentially. "How come they catch criminals and let them go again?" he still asks. I rarely have satisfactory answers.

Running a candy store in Brooklyn is a daunting task. Within five blocks of my house, two small-business owners have been murdered in the last five years. Only last May, the Indian newsdealer three blocks away was shot when he hesitated in handing over the day's receipts to an armed robber. The next day, along with several dozen other people, I stuffed fresh flowers into his shuttered security gate. The family couldn't afford a funeral and the place still hasn't reopened. A few years earlier another young Indian storekeeper was killed in a street robbery. And one morning I walked into the Palestinian grocery and found them all sobbing over a brother who had just been killed behind the counter at his own store a few dozen blocks away.

According to a July report from the National Institute of Occupational Safety and Health, murder is now the principal cause of death on the job for women and third among men, behind auto and machinery accidents. Retail clerks of all stripes rank behind only cab drivers and police officers as likely victims. The NIOSH report identified "exchange of money with the public, working alone or in small numbers, working late at night or early morning hours, [and] working in community settings" as risk factors to be minimized. In other words, every shop owner is a sitting duck.

The most common confrontation in my polyglot neighborhood is between the immigrant storeowners and the young black males who are constantly harassing and robbing them. Just a few weeks ago an Israeli shoemaker was hit over the head with a two-by-four by a group of young hoods walking home from John Jay High School. This is the trade school, used to film *The Blackboard Jungle* in the 1950s, which now attracts 3,000 minority kids from all over the city. They lounge on everyone's front stoop, smoking pot and getting a good start on teen pregnancy. Police cars seem to arrive at the school every other day. Still, these are the good kids, I tell my neighbors, since the bad ones

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aren't even going to school at this age.

Jimmy's store is twelve blocks away, and he doesn't get the John Jay traffic. His neighborhood is less upscale and much meaner. I walked in one afternoon and found him pale as a ghost. He couldn't speak for a few minutes but finally told me he had been robbed at gunpoint only seconds earlier. It's happened a few times. The worst was when thieves armed with freon gas broke through his security gate at 1 a.m. and cleaned out his weekend receipts. Jim slept on the floor the rest of the night to ward off looters. He hurt his back and couldn't get out of bed for six weeks.

On an ordinary day, Jim arrives at 5:30 a.m. from his apartment around the corner to guard his newspapers. One of the favorite pastimes of petty thieves in New York is stealing bundles of papers and selling them on the street. The truck drivers care little and refuse to take precautions. Jim finally got a lockbox for the papers but it was broken into as well. "Easiest thing to do is be here when the trucks arrive," he says.

In fact, one main theme of Jim's business is an ongoing war with his suppliers. You may wonder why every newspaper dealer carries copies of the *Irish Times*, the *Polish Times*, *New York Echo*, and hundreds of other publications that never seem to move off the shelves. The truth is they are forced to buy them by the distributors. Jim must pre-pay for hundreds of unwanted publications, then spend hours clipping the mastheads for return credit. There are constant hassles. "I've got copies going back to 1995," he says. Sometimes a little publication will fold, leaving him with the bill. The paper that gives him the most difficulty is the moralizing *New York Times*. Its distributor has a monopoly and until recently owed him five months' back refunds. (Other news dealers have confirmed to me that the *Times* is by far the worst paper for gypping its vendors.)

Then there's the matter of his building. Jim rented for fourteen years, but when his lease expired three years ago the landlord said he was packing it in. With two rent-controlled tenants upstairs he could no longer carry the expenses. The landlord wanted Jim to buy the building. "You think I should buy?" he asked. Knowing what I do about New York rent control, I told him in no uncertain terms not to take it. But nothing is easy in New York. The landlord finally told Jim if he didn't buy it he'd be out on the street. Now he's carrying a mortgage plus two rent-controlled tenants. One pays $92 a month and has him in court all the time, the other pays $196 a month and sublets his extra bedrooms to homeless people for $50 a week.

Altogether, Jim and his wife put in fifteen hours a day, 365 days a year, which nets them less than $45,000 per annum. With a subway stop next door, they're open from 6 a.m. to 9 p.m., although they do close in the afternoon Sundays and holidays. A year ago I tried to persuade them to allow me and my wife to run the store for a week while they went on vacation. Jim brushed us off but his wife seemed interested. We finally whittled it down to Labor Day weekend, and with a few days to go I was still pushing. Then one afternoon Jim threw down his books in front of me. "You see this?" he said. "Nobody can do this but me. My wife doesn't know how, nobody knows how. I have to be here every day. If I don't keep track of these returns I lose two thousand dollars in one weekend." They didn't go anywhere on Labor Day.

ALTOGETHER, JIM AND HIS WIFE PUT IN FIFTEEN HOURS A DAY, 365 DAYS A YEAR, WHICH NETS THEM LESS THAN $45,000 PER ANNUM.

His wife is a bit different. Like many immigrant wives, she's a little more at home with English. While more casual about the store, she has apparently channeled her drive into their daughters' education. Once a singer herself, she has classical music playing whenever she's behind the counter.

Both daughters have gone to music camps since childhood, although Jim has always been skeptical. "No way to make money," he says. "Study math and science, at least you can be an accountant." But for now his wife has prevailed. Last year the elder daughter was first violinist at LaGuardia High School, near Lincoln Center. "She's the one person at LaGuardia you know is headed for something big," another LaGuardia student told me. Last fall she performed a concerto with the LaGuardia orchestra. Jim's wife sat in the front row but he didn't arrive until the concert was half over. Somebody had to watch the store.

Now that our kids are growing up, they are beginning to appreciate Jim as more than just a generous candy-store owner. "He works so hard," they say. "He deserves everything good he gets." Frankly, I'm hoping some of his immigrant's determination will rub off on them.

And so we go back every chance we get, to stock up on water pistols, baseball cards, and copies of *Mad* magazine. Still, I hardly ever leave without thinking the next time we visit I could be stuffing flowers into his already rusting security gate.

William Tucker writes frequently from New York for THE WEEKLY STANDARD.

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The Growing Power of Trial Lawyers

By Carolyn Lochhead

Everybody knows there is money to be made in lawsuits these days—suits against breast implants, asbestos, Norplant, and the like. Fabulous riches to be made, amounting to billions of dollars for hard-working trial lawyers. So should it come as any surprise that this money has entered the bloodstream of politics?

It turns out there's more of it floating around than anyone could have imagined. The astonishing extent of political giving by trial lawyers has been brought to light for the first time in a report by the non-profit Contributions Watch. Trial lawyers are bankrolling politicians at a level unmatched by any profession: $100.4 million in combined state and federal giving from 1990 through 1995, heavily concentrated among a tiny core of extraordinarily rich plaintiffs' attorneys. The amount of money involved, as well as the results that money has bought, tell us something new, fascinating, and troubling. Trial lawyers have become the most powerful professional special-interest group in American politics.

Victories in tort cases are "generating literally billions of dollars in fees for lawyers to the point where they now effectively control certain political processes," says Lester Brickman, a professor at the Benjamin N. Cardozo School of Law in New York. "Money talks and big money talks loudest. If you have enough money—and the litigation generates enough money—it's going to be able to buy the political process. With enough money, you can buy a veto from the president of the United States." In the past year, President Clinton has twice vetoed legislation aimed at tort reform—and one of the vetoes came just days after William Lerach, the most successful securities tort lawyer in the country, attended a White House dinner.

But the real evidence of trial-lawyer political power comes at the state level. From Florida to Arizona, state attorneys general are actually deputizing trial lawyers to litigate tort cases for them. These are cases for which the trial lawyers can earn colossal contingency fees—cases in which the lawyers receive no money up front but a large cut of any settlement or jury award. The suits primarily involve tobacco companies and the health-care costs incurred by smokers. But they have moved beyond tobacco to asbestos and environmental litigation. Brickman says "the activities of the attorney general of Mississippi, to name just one," are heavily influenced by the state's trial-lawyer bar. And in a blatant conflict of interest, a number of state prosecutors are handing out these multibillion-dollar contracts—without competitive bidding—to the same lawyers who donate money to their campaigns.

In Texas, Louisiana, and other states where judges are elected, not appointed, trial lawyers make major campaign contributions to the men and women who then preside over cases argued by the very same trial lawyers.

What makes the Contributions Watch study such a breakthrough is its focus on state campaigns, where trial lawyers actually make their biggest political investments. It is fiendishly difficult to figure out how much money is spent at the state level. Federal Election Commission records are computerized and centralized; state campaign records often consist of boxes of paper filed away in state capitals.

The report also takes the first in-depth look at individual donations that usually escape notice because they are so hard to identify. Contributions Watch matched thousands of individual contributions with a directory of the American Trial Lawyers Association (ATLA), then added the names of well-known non-ATLA litigators like Lerach. Donations by relatives were also included if a match could be verified. Warren Miller, executive director of Contributions Watch and a former analyst at the Federal Elections Commission, calls the numbers "very conservative," and indeed they are often smaller than tallies done by local newspapers.

The numbers show stunning largesse over the past six years. In 11 states where data were compiled from January 1990 to December 1995, individual trial

Carolyn Lochhead is a Washington correspondent for the San Francisco Chronicle.

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lawyers gave $61.3 million at the state and local levels, swamping the $39.1 million they gave to national campaigns.

Donations to political-action committees, which are easy to find, make up just a fraction of the money. Of the $9.7 million trial lawyers contributed in Illinois, for example, just $1.9 million came through a PAC; of the $5.4 million in Arizona, just $88,000 did. The pattern is the same in state after state.

Fully two-thirds of the $100.4 million total came from individual attorneys and not from organizations. And half of that came from a small core of about 150 plaintiffs' lawyers. Lerach alone gave $1.5 million over the six-year period in state and federal contributions. Like Lerach, the top trial-lawyer contributors nationwide are a *Who's Who* of mass-tort litigators.

For a sense of just how much money we're talking about, in 1995 trial-lawyer PAC and "soft money" contributions at the federal level were $8.1 million; tobacco companies gave $3.2 million; oil and gas companies $2.8 million; the Big Three automakers $842,000.

Where does all this money come from? Contingency fees. Originally devised as a way for a poor man to get a fair shake in court, the contingency fee has become a trial-lawyer bonanza. By amassing thousands of plaintiffs into one gigantic suit—a so-called mass tort—a trial lawyer can blackmail a company into a huge settlement for a claim resting on little or no evidence.

Brickman estimates that in mass torts, where the lawyer receives one-third to one-half of the settlement as his pay, the hourly attorney rate has reached spectacular levels—in some instances as high as $150,000, with fees of $500 million and more.

The trial lawyers invest a portion of their earnings in the campaign coffers of elected officials, who then soften the ground for further litigation. And the litigation has blossomed. The horror stories are familiar by now—padlocked playgrounds, swimming pools bereft of diving boards, exorbitantly expensive auto insurance. But the consequences are much more severe than these petty inconveniences and small injustices. Mass torts have become a threat to entire industries, not to mention due process, scientific research, and public health. One small-town Texas lawyer and big-time political contributor, Harold Nix, has made millions in a mass tort alleging without evidence that hundreds of industrial products—including factory hand soap—caused "chemical AIDS," an illness he invented.

A $4.25 billion settlement against the makers of breast implants was based on allegations of silicone diseases without basis in medical fact—a settlement that drove Dow Corning into Chapter 11 bankruptcy. The same kinds of claims are rapidly moving beyond dubious cosmetic surgery to life-saving medical devices such as pacemakers, heart valves, artificial joints, vascular grafts, shunts for kidney dialysis, and bone screws for spinal-cord injuries.

Tobacco litigation promises to be the mother lode of mass torts. It targets a despised industry with lots of sick customers and $43 billion in assets. Attorneys general in 15 states have hired contingency-fee lawyers to sue the tobacco companies, seeking recovery of Medicaid expenses for state residents treated for smoking-related illnesses. If successful, these suits could transfer roughly $20 billion from shareholders to state treasuries. A handful of trial attorneys will get a 25 percent cut in most cases.

Mississippi was the first state to file suit against tobacco companies on the Medicaid-recovery theory in 1994. Attorney general Mike Moore awarded the lead portion of the tobacco contract to his top campaign contributor, Richard Scruggs of Pascagoula, a wealthy asbestos litigator.

Scruggs had been looking for a "masterstroke" against the tobacco companies, and he found it in Medicaid and Mike Moore. Moore, who literally stood at Clinton's side when the president vetoed a product-liability bill in 1995, also threw Scruggs a state asbestos lawsuit in 1992 after Scruggs contributed $20,550 to his 1991 reelection campaign. Scruggs earned a $2.4 million contingency fee in the case. A clear conflict of interest? "There is no conflict," says Mississippi assistant attorney general Trey Bobinger. "We have black folks, we have white folks, we have people with established track records in litigation, and like I said, some of these people have contributed but they also happen to be the best lawyers in the state."

Louisiana attorney general Richard Ieyoub, now running for the U.S. Senate seat vacated by retiring Democrat Bennett Johnston, is also awarding huge contingency-fee contracts without bidding, often to the same attorneys who contributed to his campaigns. Contributions Watch data from January 1991 to June 1996 show Ieyoub receiving $412,948 from contingency-fee attorneys. The *Baton Rouge Morning Advocate* reported last year that nearly half the law firms contributing to his campaign got contingency-fee contracts.

Assistant attorney general Emory Belton says Louisiana's tobacco suits were given to these lawyers because of their experience pursuing asbestos cases. Belton sees no conflict because so many trial lawyers

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contributed to Ieyoub's campaign. "It is not surprising that some of them got contracts," Belton says. "They certainly were in some instances contributors to his campaign. . . . He knew these people. He was confident in their ability. . . . I don't think it was any kind of quid-pro-quo-type scenario at all."

Texas attorney general Dan Morales did not use competitive bids to find a lawyer for his $4 billion tobacco suit. "After speaking with a number of law firms, he chose five firms," says spokesman Ron Dusek. The criteria were "primarily their success rate and their reputations for this type of litigation, and also their financial strength." They are mass-tort specialists and big Texas campaign contributors: the aforementioned Harold Nix, Walter Umphrey, John O'Quinn, John E. Williams, and the law firm of Reaud, Morgan & Quinn. Morales received $149,545 from 1990 to 1995 from four of them—$85,000 from Umphrey; $41,500 from Reaud, Morgan; $11,045 from Williams; and $12,000 from O'Quinn. In all, Morales received $740,067 from trial lawyers.

Competitive bidding, Dusek says, "is not required for professional services. This is very important litigation and we want to be able to choose who we are going to use and not necessarily be required to choose the lowest bidder." With a 15 percent contingency fee, the five law firms will split $600 million if they win. In Florida's $1.43 billion tobacco litigation, the lawyers are expected to get upwards of $400 million. Florida assistant attorney general Jim Peters insists, "We're not handing it to them. They earned it. They created something where before there was nothing."

Even where there is bidding, the tobacco contracts somehow wind up with big campaign donors. Attorney Peter Angelos, who owns the Baltimore Orioles and got rich on asbestos litigation, got the tobacco contract in Maryland.

The lawsuits are intended to help the states defray costs in coping with the impact of tobacco on public health. But success means that billions of dollars in government proceeds will be transferred to private lawyers. These attorneys general, of course, are employed to argue cases on behalf of their states so that the states don't *have* to hire other lawyers. Or they could hire other lawyers by the hour.

States routinely hire outside counsel by the hour for specialized matters such as university patent litigation. But for tobacco, says Mississippi's Bobinger, "if we did it in-house, we'd have to go to our legislature and ask for $5 million or $10 million to fund the litigation." That, of course, while scads cheaper, would be highly inconvenient, provoking all kinds of debate about the wisdom of trying to ban smoking and using lawsuits to do it. As A. Foster Sanders, a district court judge in Louisiana, asked in a decision on a contingency-fee contract there, "Is it prudent to give away, potentially abandon, the state interest in such huge sums of money? . . . The attorney general would have the authority, uncontrolled, as to how to spend state funds in whatever amounts he deems appropriate. This would be an extreme miscarriage of justice."

The attorneys general say tobacco litigation is so complex and the tobacco companies so powerful that such suits are simply beyond their expertise and financial capability. "To have that type of counsel on board would require a substantial change in pay grades," says Florida's Peters, with considerable understatement. "These are the gunfighters, these are the guys who do high-profile, high-stakes litigation."

Besides which, the attorneys general argue, the lawyers cover all expenses and are paid only if they win. "This lawsuit is not costing the taxpayers of Mississippi any money," says Bobinger. "It could mean hundreds of millions of dollars to the people of Mississippi, which would be tremendous—better schools, better roads, better hospitals, better health care."

The state tobacco suits push contingency-fee litigation into unexplored ethical territory, and not just because a state bears no resemblance to a poor person unable to afford a lawyer. "It's a Frankensteinian joinder of the all-powerful state and the perverse incentives of the contingency-fee arrangement," says Rep. Chris Cox, the California Republican who battled Lerach over securities-litigation reform. The attorneys

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general implicitly concede as much by insisting that tobacco is unique.

Florida governor Lawton Chiles says he will pursue nothing but tobacco in this way. Yet when asked at a press conference about alcohol, his general counsel, former trial lawyer Dexter Douglass, replied, "At this point, we don't have the statistics to proceed in that regard. . . . You gotta take 'em one at a time. I don't believe anybody in the world could handle all those industries at once."

Douglas was referring to an audacious Florida statute, written by Pensacola trial lawyer Fred Levin, that slipped through in the hectic waning hours of the 1994 legislature. The law explicitly strips companies of their ability to defend themselves against state Medicaid suits and allows statistics to count as evidence, rather than actual injuries. The law does not even mention tobacco.

The tobacco suits may open up a wide new avenue for litigation in all states, even those where companies are permitted to defend themselves. Anyone treated under Medicaid for an illness or injury that can be related to a product now represents a potential state claim. There are the obvious targets: alcohol, automobiles, guns. But the recent pattern of mass torts suggests much broader arenas—pesticides, chemicals, medical devices, pharmaceuticals.

"It's extraordinary that this kind of attack can be organized in this way, because of course the implications go far beyond the tobacco companies," says Walter Olson, author of *The Litigation Explosion*. "It would be astonishing if a single one of them turned down any further business once that line is crossed, by saying, 'Oh no, I promised that it would only be tobacco, so I'm not going to take this lead paint case.'" Would an aspiring attorney general really tell Katie Couric on national television that he would not rescue children from lead poisoning?

Top Ten Trial-Lawyer Contributors

Federal and state combined, Jan. 1, 1989 to Dec. 31, 1995

1. **William Lerach, $1,501,257**

Lerach is a San Diego trial lawyer specializing in class-action securities fraud. A heavyweight contributor to Democrats, including President Clinton and California senators Barbara Boxer and Dianne Feinstein. Lerach has given $80,000 in "soft money" to the Democrats so far this election cycle, while his firm has given an additional $100,000, according to analyses by Common Cause and the Center for Responsive Politics. In 1994, Lerach handed out more political money than General Motors.

Lerach's suits charge companies with fraud when their stock prices drop, alleging that they misled investors. The huge class-actions are so costly to defend that most companies make multimillion-dollar settlements. Lerach makes millions while the thousands of plaintiffs make pennies on the dollar.

Congress passed a bipartisan bill last year to limit Lerach-style suits. Clinton vetoed the bill days after Lerach attended a White House dinner, which led to an immediate and overwhelming override, the only time a Clinton veto has failed. Lerach's heavy contributions this year should boost his $1.5 million level considerably.

2. **Michael L. Climaco, $1,301,230**

A Cleveland lawyer whose megafirm plays both sides of the lucrative liability game, representing plaintiffs and defendants. Contributions are funneled largely through a PAC called Government Under Democracy, which gave $50,000 to Republican governor George Voinovich in 1993. Climaco gave $27,900 to the Republican National Committee. He was once a candidate for Congress and vice chairman of the Cuyahoga County Democratic party.

3. **David L. Perry, $941,397**

A personal-injury lawyer and former president of the Texas Trial Lawyers Association, Perry helped organize plaintiff attorneys in a suit alleging faulty side placement of gas tanks on General Motors pickup trucks. Perry described the trucks as "mobile landmines." His wife, attorney Rene Haas, was defeated in a hotly contested race for the Texas Supreme Court in 1994 that cost nearly $5 million and set a spending record for a Texas judgeship.

4. **Walter Umphrey, $759,351**

Umphrey is a top player in asbestos litigation, from which he and his Texas firm are estimated to have earned more than $100 million in the last decade. Also a pioneer in alcohol litigation, he has argued that distillers should have warned alcoholics of the pitfalls of drinking. Umphrey has been hired by Texas attorney general Dan Morales as "attorney in charge" of the state's $4 billion lawsuit against tobacco companies. Umphrey has given $65,000 to Morales over the period.

5. **Harold Nix, $675,200**

Nix is a small-town Texas lawyer who has embroiled more than 500 defendants in a massive toxic tort centered on the bankrupt Lone Star steel plant. Nix alleges without evidence that hundreds of industrial products shipped to the plant caused "chemical AIDS" among more than 3,000 plaintiffs who once worked there. Nix made up the term to describe the effects of what he calls in his suit "a visible fog

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Proponents of the tobacco suits dismiss these fears as scare-mongering by business. "Absolutely never in my 20 years of hanging around state attorneys general have I ever heard of any other business that would be treated in this fashion," says James E. Tierney, Maine's former attorney general and a consultant on the tobacco suits.

Yet such suits have already begun. Louisiana and Mississippi are both pursuing so-called mitigation cases against asbestos makers—on contingency fee. Texas's Morales has said he is considering hiring contingency-fee lawyers to pursue environmental litigation in addition to the state's $4 billion tobacco suit.

And the technique is moving from the state to the local level. More than two dozen cities in Texas have hired contingency-fee lawyers to sue pipeline companies for franchise fees that the cities contend the companies owe them for crossing city property. John O'Quinn's firm, a big player in breast implants and involved now in the tobacco case, is handling those suits. Harvard Law School professor Laurence Tribe, who is on the Texas tobacco team, told the *Wall Street Journal*, "This could be the beginning of a beautiful relationship."

The Clinton White House, which found in tobacco a perfect foil for its efforts to prove that the president cares about children and families, has a keen interest in the tobacco suits. Vice President Al Gore joined Mike Moore at a June 4 rally in Jackson, where he blasted the Republican party as "almost a wholly owned subsidiary of the tobacco industry" because it has "made the conscious decision to accept so much money from the tobacco companies." After the rally, Gore attended a $25,000-per-couple fund-raiser at the home of Jackson trial lawyer David Nutt. Scruggs, the main lawyer in Moore's suit, even hired Clinton's dis-

or mushroom-shaped cloud of pollution made up of toxins, fumes, particulates." *Texas Monthly* noted that one plaintiff was 94 years old, hadn't worked at the plant in 28 years, and was claiming that "chemical AIDS" had shortened his life expectancy.

The suit began in 1987 and has yet to go to trial, but so far it has earned Nix an estimated $26 million from $69 million in settlements.

6. **Frank L. Branson, $572,430**

Branson is a flamboyant Dallas personal-injury lawyer known for winning multimillion-dollar judgments in medical malpractice suits. He has sued convenience stores for inadequate security and is a big contributor to state judges. Clinton appointed his wife, Debbie Dudley Branson, vice chairwoman of the board of the Securities Investor Protection Corp., a quasi-federal agency that manages a nearly $1 billion insurance fund for broker-dealers.

7. **J. Donald Bowen, $569,091**

Bowen is a Houston lawyer and former president of the Texas Trial Lawyers Association active in fighting state tort reform. A big contributor to former governor Ann Richards ($56,281) and Clinton ($10,500).

8. **Philip H. Corboy, $550,701**

A Chicago personal-injury lawyer who made his fortune representing plane-crash victims, Corboy is reportedly close to Hillary Rodham Clinton and a member of the Inner Circle of Advocates, an exclusive 100-member club of the nation's most successful trial lawyers.

9. **Lanny Vines, $484,845**

Vines is an Alabama personal-injury lawyer who publishes a periodic newsletter about himself; a 1993 edition describes a gourmet dinner prepared by Ralph Nader and Nader associate Joan Claybrook for Vines and friends at Claybrook's home, a dinner Vines won for $10,000 at an American Trial Lawyers Association fund-raising auction. An automaker settled with him for $312,000 for an allegedly defective door latch on a 10-year-old car involved in a high-speed wreck. In a $215,000 settlement, an allegedly defective switch was 40 years old. One woman got $50,000 when she broke her leg bowling. The "theory of recovery," the newsletter said, "was that the floor was not smooth enough to prevent her foot from sticking."

10. **Stanley Chesley, $447,775**

Chesley is an Ohio lawyer famous for pioneering huge class actions in personal-injury lawsuits. Self-styled "master of disaster," Chesley co-chaired the plaintiffs committee in the $4.25 billion breast-implant settlement for 400,000 plaintiffs (since collapsed). He made his reputation litigating the Union Carbide chemical leak in Bhopal, India, the MGM Grand Hotel fire in Las Vegas, Agent Orange, and the anti-nausea pregnancy drug Bendectin, along with assorted fires and railroad accidents. His firm is now active in litigation against the Norplant contraceptive.

Chesley is a big Democratic contributor who this year helped raise $2 million for the Clinton/Gore campaign, according to the *Cincinnati Enquirer*. Reports by Common Cause and the Center for Responsive Politics show Chesley making $100,000 in soft-money contributions during the current election cycle. The *Cincinnati Post* reported that Chesley "dines at least every other month at the White House and is on a first-name basis with the Clintons and Gores." Clinton appointed Chesley's wife, Susan J. Dlott, to a federal district court judgeship.

Sources: Contributions Watch, newspaper and periodical reports.

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graced former top strategist, Dick Morris, to poll Mississippians about their opinions on the tobacco suit. Bill Lerach similarly hired Bill Carrick, Clinton's chief California political strategist.

Lerach's core business is suing companies for fraud when their stock price falls—a weird form of tort litigation made possible by a poorly written sub-clause in the Securities Exchange Act of 1934. Lerach's specialty, the "strike suit," is now threatened by securities-litigation reform—which became law after Congress overrode Clinton's veto. Lerach is now funding Proposition 211, an initiative on the California ballot that effectively guts the federal legislation. Lerach fired Carrick after Clinton announced his opposition to Prop. 211 (the president was sucking up to Silicon Valley executives who were enraged by his original veto).

Paul Hendrie of the Center for Responsive Politics, a nonpartisan research group that tracks special-interest spending, says that "consultants have a special close access to those candidates and that access is not going to end when the campaign is over. They're in a position to make the case for their clients informally or directly. . . . That's a real danger."

Trial lawyers are now seeking to leverage their individual political contributions even more by starting a "bundling" operation. ATLA has asked for FEC approval to set up a program that would target favored candidates, recommend how much to contribute and when, and track the money. Their model is EMILY's List, the feminist political fund. But informal coordination among the trial lawyers is already well established. A letter dated June 25, 1993, from the Louisiana personal-injury firm Gauthier & Murphy, marked "PERSONAL AND CONFIDENTIAL," said: "A number of us, all of whom are members of the Louisiana Trial Lawyers Association, are getting together with Judge Joseph Bleich to discuss his interest in the Supreme Court. . . . We will be meeting with Judge Bleich at 1:15 on Tuesday, July 20th, at the Windsor Court Hotel in New Orleans." Bleich won a special election to the Louisiana Supreme Court in February, after receiving $217,000 from the trial bar.

Another Gauthier & Murphy letter, this one from 1992, announced a dinner at Antoine's restaurant in New Orleans "honoring Kitty" Kimball, also now a state supreme court justice. "If you can loan the campaign $5,000," the letter said, "we will see to it that after the election, the committee has the fundraisers necessary to pay back your loan. Please remember that Kitty is a sitting trial judge now. . . . If you are unable to loan your own money at this time, we have financing available for you personally. . . . The future of our practices is in our hands."

Ginger Sawyer, who tracks contributions for the Louisiana Association of Business and Industry, says that after judicial elections, defense attorneys "who didn't play" are invited to fund-raisers to help pay off the trial-bar loans. And some contributions appear to be disguised, Sawyer says. A $4,000 contribution to Bleich was listed on disclosure statements as coming from Oak Management, with the same address as Gauthier & Murphy. Another from "Big Ridge Cattle Company" had the same post-office box as leading trial lawyer Paul Wilkins. "It's bad enough that lawyers give money to judges who then sit on their cases, but it's really outrageous for a judge to actually solicit money from an organized group of lawyers who have a political agenda," says George Mason University law professor David Bernstein. "What else can one really conclude but that there's a quid pro quo?"

Trial lawyers and their consumer-activist allies say business gives money too, and plenty of it. True enough. But trial-lawyer money is aimed at just one thing: promoting litigation. That enhances its leverage considerably. Business agendas run from taxes to regulation to trade. Because trial lawyers have such a simple and single-minded program, they know exactly who their opponents are and can punish them easily—particularly straying Democrats. "They'll go after you," says former Monsanto Chemical chairman Richard J. Mahoney, who was deeply involved in last year's tort reform fight in Congress. "Nobody on the side of tort reform would dare do that because you'd be back looking for support on another issue in another month. Trial lawyers have no fears, they're well funded, and they're well organized. They have a single issue and nothing else on their minds."

The contingency-fee industry not only protects its turf, but forever prowls for new targets. A conference in Philadelphia last March advertised, "Toxic and Mass Torts: New Exposures." ATLA's "litigation groups" include everything from AIDS and automatic doors to breast cancer and butane lighters; from delivery-service negligence and diet products to inadequate security and interstate trucking; from lead paint and liquor to nursing homes and Norplant; from tap-water burns and traumatic brain injury to vaccines and vending machines. There is money to be made and corporations to be pillaged.

Bribing judges was long ago made a crime. Bounty hunters were banished and state prosecutors put on salary for a reason—to remove any financial stake

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in their prosecutions. Contingency-fee lawyers have a stake in litigation that reaches grotesque proportions. And now these lawyers are being deputized by attorneys general to prosecute under cloak of state authority.

When these lawyers are making large political contributions to the attorneys general who hire them to sue, in lawsuits that have contingency fees running literally hundreds of millions of dollars, prosecution for profit takes on a whole new dimension. Such conflicts of interest once were considered a threat to justice. Indeed they were. Indeed they are. ♦

PROGRESSIVES: THEY NOT ONLY LOOK DEAD, THEY ARE

By Robert H. Nelson

In a speech to Trout Unlimited, Bruce Babbitt announced that he "would love to be the first Secretary of the Interior to tear down a really large dam." It looks like the secretary may get his wish. Congress in 1992 authorized the dismantling of two dams on the Olympic peninsula in Washington state. And the Clinton administration is now asking Congress for the $111 million it will take to get the job done.

If there were lots of money to go around, this would likely be a reasonable expenditure. But the National Park System is facing a funding crisis, including a backlog of needed construction maintenance estimated by the Park Service to cost $4 billion. Ranger-education programs were canceled this summer at parks across the country, trails are not being maintained, employee housing is falling apart, and other major problems are endemic throughout the parks.

Spending $111 million could make a big difference in all those areas. So why is removing the Elwha and Glines Canyon dams a higher priority for Babbitt? The answer tells us a lot about the thinking of the environmental movement and changing ideas of economic progress in American life.

There was a time when a dam was considered a great human achievement. Dams provided water to make the desert bloom. They provided electricity to light the cities. They became for many virtual cathedrals of progress, inspiring a religious awe by their very presence. Dams visibly demonstrated the new power of mankind to remake the world by controlling nature for human benefit.

When the artists of socialist realism came to choose a subject, a scene showing the building of a large dam was a favored motif. Woody Guthrie sang ballads about the construction in the late 1930s of Grand Coulee Dam, then the largest in the world:

Uncle Sam needs wool, Uncle Sam needs wheat
Uncle Sam needs houses 'n' stuff to eat
Uncle Sam needs water 'n' power dams

Americans began to turn against dams in the 1950s. The Bureau of Reclamation sought to build one in Dinosaur National Monument in northwest Colorado, threatening to inundate portions of a unit of the National Park System. This sacrilege spurred to action David Brower, then executive director of the Sierra Club and a man who once said, "I hate all dams, large and small." Mobilizing sportsmen, wilderness enthusiasts, park advocates, and others, Brower pioneered the modern tactics of environmental activism and in the process defeated the mighty Bureau of Reclamation.

As John McPhee has written, for the environmental movement there has always been "something special about dams, something . . . disproportionately and metaphysically sinister." The building of a dam involves an act of "humiliating nature"—and hence of outright "evil."

As dams have declined in public favor, a new type

Robert H. Nelson is a professor at the School of Public Affairs of the University of Maryland and a senior fellow of the Competitive Enterprise Institute. His latest book is Public Lands and Private Rights, *and his cover story on Bruce Babbitt appeared in the June 24 issue of* THE WEEKLY STANDARD.

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of cathedral of a new national civic faith has emerged. As defined by the Wilderness Act of 1964, a wilderness is a place "untrammeled by man." The symbolism of the dam is turned on its head; a sacred site no longer represents human mastery of nature but the very absence of any human impact.

Reed Noss, editor of a well-respected environmental journal called *Conservation Biology*, said recently that the environmental movement must bring about a fundamental change in the "prevailing attitude of humans toward nature" in order to save the environment. Human power to change nature has become too great; the most urgent task now is to protect nature from human intrusions. Someone like Hubert Humphrey would have had a hard time understanding all this. For Humphrey, like most liberals of his time, science and economic progress were the solution to crime, family breakdown, poverty, virtually all of society's problems. Yet for many of the new environmental cadre, progress is not the solution but the problem.

Kevin Chadwick

In April, the membership of the Sierra Club voted by two to one to seek a ban on all timber harvesting in the national forests of the United States, which put timber harvesting in the same moral category as dams. Reflecting the real impact of such thinking, national forest harvests have fallen by 66 percent over the past decade. Yet the national forests represent 40 percent of Idaho, 21 percent of California, and 19 percent of the land area of the West as a whole. Public timber has been a main economic base for many rural economies. So much for ordinary people and ordinary jobs—the wellspring of Humphrey-style liberalism and the subject of progressive politics for a century.

Underlying government discussion of the fate of the two dams is an ongoing national debate over the vision of progress that emerged as the civic religion of the United States in the progressive era. Historians have described the public enthusiasm for progress early in this century as a "secular great awakening" aroused by a new "gospel of efficiency." If environmentalism today has all the character of a religion, there was also a theology of sorts at the heart of the progressive appeal. Original sin took the form of economic scarcity; human beings were driven to bad behavior by the simple material requirements of survival. American progressivism shared with Marxism, socialism, and other secular religions the conviction that the abolition of material scarcity through economic progress would mean the end of human conflict and disagreement, the arrival of heaven on earth.

E.J. Dionne, in *They Only Look Dead*, argues that "progressives will dominate the next political era." Bill Clinton, Bill Bradley, and other leading Democratic politicians, seeking an alternative to the discredited "liberal" label, have similarly declared that a new progressivism is the wave of the Democratic future. Yet if the fate of the dam is any indication, this is not going to happen. When the Bureau of Reclamation was created in 1902, Theodore Roosevelt regarded its dam-building efforts as a leading accomplishment of his progressive presidency. But much as dams have been transformed from cathedrals of progress to symbols of metaphysical evil, faith in a secular salvation through economic progress has waned throughout American life. And with some reason: Great material progress this century has coincided with world wars, holocausts, Siberian prison camps, and other barbarities, much worse than in earlier times when the material state of the world was much poorer.

There can be no recovering the millennial fervor for progress of the early part of this century, and yet it has been an underlying religious zeal that has driven many of the progressive policy prescriptions that are with us still today. If the progressives preached a great expansion of government in the name of the "scientific management" of society, the scientific and technocratic elite no longer commands the moral authority to fulfill its necessary role—the new priesthood of society—in the progressive grand design. Instead, environmentalists hope to become the new priests.

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Although the contemporary environmental movement has offered an outlet for many people turning away from economic salvation, environmentalism is much clearer about what it rejects than what it proposes. Indeed, the environmental utopia is nature untouched by human hand; carried to its full logic, there is no place here for human beings. Environmental philosophers have yet to tell us convincingly how human existence has a positive role to play in the world. Although they may not say it for public consumption, environmental activists in practice typically follow a simple rule: Fight to limit every human impact on nature to the extent that is feasible, given the political and other constraints of the moment.

The absence in environmentalism of any persuasive positive prescription for a human role on the earth has been camouflaged with much earnest talk of "sustainable development," "ecosystem management," and other bromides. In the end, these are substitutes for thought, ways of papering over the gaps in environmental thinking.

It becomes all the more awkward when one considers that many of the most ardent followers of the environmental gospel live surrounded by modern luxury, entirely dependent on all the things—including water and electricity from dams—that they profess to reject.

Since Adam and Eve were cast out of the Garden into sin, deprived of their former innocent natural selves, the relationship of man and nature has been perhaps the central question in Western religion. A half century ago Woody Guthrie saw this relationship in benevolent terms, nature serving human needs as part of a grand plan. Today's folk singers, however, have returned to another old message in Western religion, warning of a world sinning against God and nature. One of the best known, Tracy Chapman, laments that human beings are committing "This, the most heinous of crimes. This, the deadliest of sins." Fearing for the fate of the earth, she sings,

Mother of us all . . .
Some claim to have crowned her a queen
with cities of concrete and steel.
But there is no glory, no honor in what results
from the rape of the world.

When we see secretaries of the interior putting their highest priority on tearing down dams, and singers describing mankind as a planetary rapist, we know for sure that progressivism will not be revived. ♦

THE YEAR 2000 CRISIS

By Lawrence J. Siskind

As the Year 2000 approaches, so does an epic collision with technological shortsightedness. The impending disaster is already a hot topic in the world of high tech, but more of us should be paying attention. A coming computer crisis—call it the Year 2000 Crisis—says a great deal about the values and philosophy of our society in the waning days of the millennium.

Thousands of computer programs are fast approaching obsolescence. Most date-oriented software—and that includes programs running everything from pension funds to burglar alarms to personal finances to elevators—is designed to recognize just six digits: two each for the year, month, and day. Thanksgiving may be November 28, 1996, to you and me, but to a computer, it is 961128. The software running the computer automatically assumes that the first two digits of the year are 19.

At the stroke of midnight on Friday, December 31, 1999, the date will become 000101. Computers all over the world will continue to assume that the first two digits of the new year are 19. They will read the new date as January 1, 1900.

If you were born in 1960, a computer today would figure you as 36 years old by subtracting 60 from 96. In the Year 2000, however, that same computer will subtract 60 from 00 and come out with -60. It will then discard the minus sign as meaningless and conclude that you are 60.

A program designed to sort dates will sort the following dates in the right order: 1901, 1950, 1999. But

Lawrence J. Siskind is a San Francisco attorney specializing in intellectual property law.

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in 2000, the program will focus on the last two digits and sort them in this order: 2000, 1901, 1950, 1999. A moment after midnight, the world's computers are programmed to start making mistakes. Telephone conversations begun just a few minutes earlier will be computed as having lasted 99 years, generating humongous bills. Hospital pharmacies will automatically lock up as their computers conclude that all prescriptions expired generations ago. Checks dated 1900 will be printed for distribution to shareholders and pension-fund recipients, checks impossible to cash. Air travel will shut down as computers try to schedule century-old flights. Employees will be locked out of security areas. Elevators will stop running. And senior citizens will receive notices from their communities announcing the time and place for their kindergarten enrollment.

Of course, the fact that these errors are programmed to occur does not mean they will actually happen. Very, very late in the game, the world is waking up and taking steps to avert it.

The steps will be very expensive and very painful. Between now and the Year 2000, the world will spend $600 billion to engender Year 2000 compliance among its computers systems, according to the Gartner Group, a Connecticut-based information-technology consulting firm. The U.S. government, with its thousands of programs scattered over hundreds of agencies, will spend about $30 billion to reprogram its computers. California's 122 agencies operate over 100,000 separate computers. The state does not yet know how much it will have to spend. Its Department of Information Technology is spending $4 million just to oversee the efforts of the other 121 state agencies. Even Nebraska plans to spend $24 million to address the problem and has earmarked 2 cents of its cigarette tax for four years to pay for it.

The cost of correction for the private sector will be enormous. According to estimates by the Orr Institute and Data Dimensions, Inc., Fortune 50 companies will spend 35 to 40 cents per line of code on their operating programs. That could amount to between $50 million and $100 million per company. Companies unprepared to meet the challenge will fail. The Gartner Group predicts that 20 percent of the world's companies will go out of business because of the Year 2000 crisis.

Law firms are gearing up for the inevitable tidal wave of millennial litigation. Software producers will be sued by software users, who will be sued by *their* customers, who will be sued in turn by their customers. All of them face the threat of suit by their shareholders, and all of them will consider suing their insurance companies when those insurers refuse to provide coverage for all the other lawsuits already described. Auditors and law firms will probably also be named as defendants for good measure.

The governments and major corporations of this interdependent world understand that they will sink or swim together through this trial. An entity with Year-2000-compliant software will still face ruin if its customers, suppliers, or distributors are unable to operate the software. To avert, or at least minimize, the disaster, governments and companies are pooling information on how to rework and rewrite their systems. Much of the information-sharing takes place on an Internet site named "y2k." This titanic exercise in global cooperation among so many disparate and often competing entities brings to mind the rallying of the world's surviving air forces for the final coordinated battle in the movie *Independence Day*.

The progression of the calendar is as regular and incorrigible as an undoctored odometer. It doesn't take a village to teach a child that Tuesday follows Monday, that July follows June, and that the Year 2000 follows the Year 1999.

That being so, why all this frenzy? How did so much software containing such patent shortcomings get into so many hands so near to the date of obsolescence?

When the first primitive computer programs went into operation to handle payroll in the 1950s, the date problem seemed understandable. No one expected these programs to be running in 2000. But as the years progressed, and as the turn of the century drew nearer, why did code writers continue to incorporate the two-digit date field? Why, in the face of imminent inevitable failure, did the computer industry continue for so long its march of folly?

A number of explanations are circulating. One is that the industry is long on code writers and short on code designers. The writers, sometimes called "techno-twits," tend to focus on the narrow problem at hand, without regard for the overall structure of the system. One expert has analogized the industry to pre-1600 Europe, when bridges and even cathedrals were constructed by craftsmen working without plans. Some of those bridges and cathedrals stood for a long time. Most did not.

Another explanation arises from the special time pressures on the computer business. There is usually an immediate need to get a system up and running, coupled with an understanding that there will be plenty of time down the road for refinement and corrections.

A third explanation deals with the pace of comput-

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er-technology innovation. Hardware and software have improved so rapidly over the past generation that no one expects his product to last long. Even as the window of time has narrowed, programmers still could not believe that their handiwork would be around in 2000. Adapting Lord Keynes's axiom to the computer industry, they believed that in the long run we'd all be updated.

Michael Ramirez

All these explanations share a common element: remarkable shortsightedness. The crisis has not developed in secrecy. The inherent flaws of the two-digit date field were public knowledge from the beginning. But all the parties involved—and that includes not only the designers and writers, but also their corporate and government customers—seemed constitutionally incapable of viewing the situation beyond the range of the moment. Behaviorists are familiar with the phenomenon known as mass hysteria. The Year 2000 crisis has followed a period of mass myopia.

This myopia has other consequences in the industry. One program designer contends that the Year 2000 problem is not unique. It is one of many widespread program flaws, charmingly known in the trade as "cluster-f—s." He points to the upcoming exhaustion of available Internet Protocol addresses (we will run out by 2009) as another example.

More significantly, the myopia is not confined to the computer industry. We are approaching other collisions with shortsightedness in Social Security, Medicare, education, and other public matters. They may not occur as soon. The Social Security trust fund will not run out until 2029, according to the bipartisan commission that "fixed" the problem. But these collisions, these social cluster-f—s, will occur. We approach them with our eyes wide open, knowing that disaster is inevitable if we do not change course—and yet we do not change course.

The Year 2000 crisis is not so much technological as it is cultural. It is the product of a generation incapable of vision beyond the range of the moment, a generation endlessly encouraged to "Just Do It." A generation whose object is immediate gratification, and whose slogan is: The Future is Not.

It was not always so. On the eve of the 20th century the world had a different view of the future. In *The Great Illusion*, Oron Hale wrote of the long-range optimism pervading society: "The sense of a boundless future was strong among all Western leaders in 1900, and it brought zest and assurance to the cities and cultures of men. It was a time of incredible innocence: War was unlikely; social reform was every man's duty; and progress was inevitable." In such an age, men thought and created for the long run.

In Boston, site of the nation's oldest subway system, there is a tunnel connecting downtown to East Boston. It was designed in 1897 and opened for traffic in the spring of 1900. The tunnel was constructed by immigrant laborers from Ireland, Italy, and Eastern Europe. The men worked hard for low wages so that their descendants could have a better life. Some of those descendants got into Harvard and MIT across the Charles River. Some became computer programmers, and they ride through the tunnel today on their way to Logan Airport. More than likely, it brings the builders no comfort in heaven to know that their handiwork will outlast that of their great-grandchildren. ♦

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What is Conservative Art?

By David Gelernter

Several months ago, in an article for The Weekly Standard called "The Radware: A Not-All-That-Modest Proposal," I suggested that conservatives should stop complaining about culture and do something about it: should create new institutions, starting with a museum. The museum's curators would dazzle all comers with their verve and fresh thinking and sheer energy, and promise to give up the culture world's number-one favorite hobby—rubbing the public's nose in leftist platitudes—in exchange for something a little more constructive, like macramé. (We'd even provide the staff with self-help books on request. *Stop Being a Leftist Ninny: Ten Easy Steps*, etc.)

Of the many readers I heard from, most liked the idea (a few invited themselves to the opening). An actual new museum remains remote, but some discussion *is* taking place about a heterodox art-and-history exhibit to be staged in New York. Even a single show is dauntingly expensive and complex to arrange, but stranger things have happened.

Some readers, however, objected, not only to that article but to other related ones. A number raised a point that is too important to ignore; that goes right to the heart of modern culture. The Weekly Standard is a conservative magazine and I am supposedly a conservative critic. Where do I get the nerve to like abstract art? To celebrate a slash-and-burn abstractionist like de Kooning or a reformed Pop artist like Jasper Johns? There *is* such a thing as *conservative* art, these readers point out, and de Kooning, Johns, et al. are not it.

They are right. Conservative American art has been a well-defined proposition for most of this century; you see it in the thoughtful, often moody realism of a Bellows or Sloan, a Hopper or Burchfield or Wyeth. A bunch of realist painters are represented on the gallery scene today: Philip Pearlstine and Alex Katz are prominent examples. If you stop by the Marlborough Gallery on 57th Street in Manhattan you can see two recent paintings by the superb urban realist Richard Estes.They are warm and spacious and, at their best, give you the poignant sensation of seeing your own time and space from far away.

I have no intention of denigrating or "delegitimating" genuinely conservative art. It deserves to be defended. And the last thing we conservatives ought to pull is the "come off it, *everyone knows* abstract painting is good" maneuver. We are the movement that challenges orthodoxy. Look at classical music: The anti-melodic twelve-tone writing of Schönberg and his followers had immense prestige for much of the century and is widely admired still. And yet it is no good; is capable only of expressing violence (which is why the famous "*Blut*" scene in Berg's *Wozzeck* is the only twelve-tone passage that is worth anything) and boring audiences to tears. The public was bound to come round and love it in the end—to the extent that, as they grow in wisdom and sophistication, migraine sufferers come to enjoy their headaches. Everyone knows abstract art is good, which proves nothing.

But for myself, the best abstract painting is so powerful and beautiful it commands attention. And my problems with "true conservative art" don't end there. I have no principled objection, either, to the Establishment's infatuation with "installations" as opposed to painting. An installation can be profound and sublime—look at the tense-and-perfect poise, the endless whispering depth of the best Zen gardens; the breathtaking silence of Luis Barragan's Mexican courtyards. Nor can I object in principle to the fad for untraditional media. "Appropriation, much of it from the lowliest of sources, continues to inform much of this art, as does a heavy presence of words, printed or handwritten or scavenged"—so we were told at the legendarily awful 1993 Whitney Biennial. But Joseph Cornell glued together some of the century's greatest art out of junk he picked up at dime stores, and his art is full of words. I can't even complain about most artists' being leftists; most artists have always been leftists. And my own paintings, for the record, would strike no serious person as "conservative" either. *What are renegades like me doing in the conservative movement?*

But we *must* be conservatives, because today's liberal Establishment is no mere defender of free-wheeling "anything goes" art versus conservative realism. "The art world, especially the segment of it corresponding to middle management in industry," Arthur Danto

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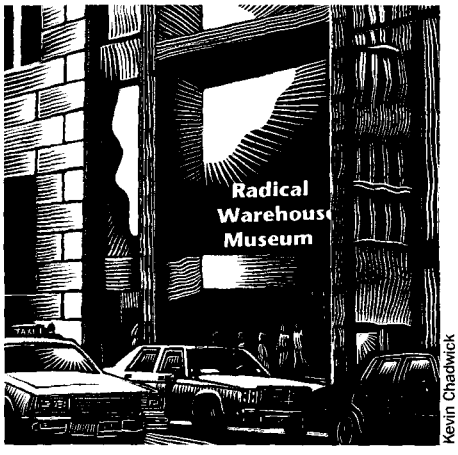
wrote in 1992—in the *Nation*!—"is today a politicized, indeed an angrily politicized, group of persons."

"Angrily" is a polite way of putting it. Yeats says this: "My mind, because the minds that I have loved,/ The sort of beauty that I have approved, /Prosper but little, has dried up of late,/ Yet knows that to be choked with hate/ May well be of all evil chances chief." Today's mainstream art world is choked with hate. An art lover today has a moral duty to be against this Establishment.

Increasingly, the conservative intelligentsia *is* the intelligentsia. It is the place where love of art and learning and rational argument and country survives. It is the ark we climb aboard until the weather clears.

Grab an Establishment art magazine at random; here's *Artforum* for September—you can buy it at the newsstand this afternoon. What's up? Hmmm . . . a show by Dinos and Jake Chapman in which sexual organs are glued to the faces of plastic dolls, dolls are assembled into copulating ensembles, and so on. A painter named Kara Walker, whose subjects are "sodomy, rape, incest, mutilation, bestiality." It is, *Artforum* helpfully explains, "garden-variety social dysfunction." Damien Hirst's pieces include chunks of dead animal floating in formaldehyde. The opening of Hirst's show (at the prestigious Gagosian gallery in SoHo) was a big social event; the *New Yorker* wrote it up in "Talk of the Town." (*Artforum* pans the exhibit: "But what comes next?" it asks plaintively.) In L.A., you might want to catch Lari Pittman's show, featuring "gaping sphincters and vaginas" and various other images you don't even want to read about. There is more, even in this one random issue, but you get the picture.

These artists are so proud of obscenity you'd think they invented it. Sorry, folks, the world has always been full of boors; it's just that they never used to be quite so drawn as they are nowadays to art-world careers. In a recent news story about a gallery opening in New Orleans (a show called "Guns in the Hands of Artists"), the *New York Times* had the gall to begin like this: "This is not art that pleases the eye, here in this tiny gallery on Magazine Street." How's that again, art that *doesn't please the eye*? In a *gallery*? *This* is the American art world, yours and your children's, circa 1996: so creaky and corny, so hackneyed, so old, so tired.



Kevin Chadwick

A painting by Frank Moore I have discussed before in this space, on view at the 1995 Whitney Biennial, seems to me to capture the Establishment perfectly. It is called "Freedom to Share" and is based on a famous Thanksgiving illustration by Norman Rockwell, "Freedom from Want." Moore's version shows whites, blacks, and Asians round a festive table as Mother, who is white, presents a platter heaped up with drugs and syringes in the shape of a turkey. Hate is the medium; hate is the message. Is it art? Yes; bad art. Hate-filled art, hateful art, art that dirties the soul.

The art world's problem goes beyond mere spite—although spite is a big part of it; a vicious circle of spite in which artists parade their angry contempt for the public, the public disdainfully ignores them, artists grow still angrier and more contemptuous. . . . But there is a "structural problem," also, that renders much of this world unable to deal seriously with the great art of the past. The Establishment is unanimous on the topic of feminism and tends (naturally) to go for the bitterest variety. And inconveniently, most great artists have been heterosexual men. Even worse, they have manifested a persistent interest in romance and eros and women, plus an annoying tendency to deal with those themes in their paintings, and it all puts feminists in a rotten mood. See for yourself. "It's like any other nude. It's a horizontal painting of a female lying naked." (A staffer at the Museum of Modern Art, whose comments were included in a 1992 show in which museum personnel commented on paintings—in this case, by Modigliani.) "It's just one more picture where the woman is naked and the men are clothed" (a painting by Magritte). Today's Art Establishment swarms with feminists, who are of course entitled to their beliefs. Each one is like an orthodox Jew posted as food reviewer to the Annual Stuttgart Swinefest. It really doesn't matter how sharp a critic you are; you're disqualified.

"Now hold on a minute!"—the Establishment speaks up in self-defense. (Not that the art world reads THE WEEKLY STANDARD, but suppose it did.) "Artists have always loved astonishing the bourgeoisie. That's just the nature of art. Don't get all huffy about it."

Wrong. This misunderstanding is fundamental. Astonishing the bourgeoisie is indeed something artists and the art world have long enjoyed—as a hobby, for fun. But no first-rank artist's reputation has ever rested on it. Today's artists have made the ridiculous mistake

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of confusing this sideshow with the main act, like a violin virtuoso announcing that henceforth he will devote his career to rosining bows full-time. Matisse: "The mission of the artist is important enough for him to preoccupy himself only with his art." Matisse again: "One can have liberal ideas, but the artist hasn't the right to lose any of the precious time he has." Hopper: Daumier "was great despite his political explications not because of them." John Sloan: "While I am a Socialist, I never allowed social propaganda to get into my paintings." The institutionalized prostitution of art to politics—invented by the twentieth century's monster tyrannies and reenacted for your edification by the whining fools of 1990s Manhattan.

Yes, much work *is* shown nowadays that is not political and has nothing to do with the mainstream's sick obsessions. The problem is that hate-art overwhelms the rest: If you stand by a babbling brook to enjoy nature and there is a baby screaming a few picnic blankets over, you might legitimately be told that there are lots of *other* sounds to listen to—the stream, the birds, the breeze. But hate-art colors the whole scene and makes you feel—whatever else is going on—sad and sick and low. That is exactly what it is intended to do.

So you see how it is: Today's art establishment is fundamentally no good and needs to be replaced. To love beauty, truth, and art itself, to judge art without regard to the artist's race or sex, to admire and defend high culture and teach it to your children—the Establishment hates those ideas.

Today's conservative movement is mainly interested in politics, economics, and social issues, but must and will make the transition one day to an institution-building movement. Must and will face up squarely to its duty to rebuild culture from the ground up. It's a wonderful opportunity, to be greeted with joy, a chance to throw open the windows on today's stale, crushingly conformist scene where played-out, burnt-out leftist nostrums hang muzzily in the air like the stench of cigarette butts. But this "institutional renaissance" business may easily look to true artistic conservatives like a hijacking, and they have reason to be unhappy. To such true conservatives I extend apologies and regrets, and promise to leave you and your realist paintings in peace as soon as the deluge is over. ♦

Books

The Book of Paul

By Woody West

Like a pop-up target at a carnival shooting gallery, Robert S. McNamara has sharpened the literary marksmanship of writers and critics of the Vietnam war since the 1960s. And with publication last year of his sort-of apologia, *In Retrospect*, McNamara took as many hits from those on the left as on the right for his conduct as defense secretary to Kennedy and Johnson. Leftists had been excoriating him for decades, despite McNamara's efforts at expiation through his management of the World Bank; last year the Right finally got in on the action, lambasting him not as a despoiler of Vietnam but as the partial assassin of 58,000 young Americans lost there.

Now, Paul Hendrickson loads his shotgun in *The Living and the Dead: Robert McNamara and Five Lives of a Lost War* (Knopf, 432 pages, $30). Hendrickson's purpose is to "decode" the man who "embodied an era." The book is not so much about McNamara as it is about those "five lives" mentioned in the subtitle: an artist who, in supposed despond, tried to throw McNamara off the ferry to Martha's Vineyard one dark night; a former Marine; an Army nurse; the widow of a Quaker who immolated himself outside McNamara's Pentagon window; and a former Vietnamese captain and members of his family who made it to the United States.

But it is a sixth person who really dominates this book—the author himself, who left a seminary in 1965 in a critical year of the Vietnam War, went to college and this and that, and became eventually a writer for the *Washington Post*. Hendrickson seems to have made an avocation of McNamara, beginning with three extensive pieces he wrote for the *Post* in 1984. It was in one of those articles that Hendrickson publicly disclosed the recently widowed McNamara's affair with Joan Braden, the wife of a Washington columnist and the mother of eight. This revelation somehow convinced McNamara that Hendrickson was an "adversary," Hendrickson writes in an innocent tone, and made McNamara reticent in responding to the reporter's constant calls and letters.

The author tells us he spent a dozen years on *The Living and The Dead*. Much of the narrative is devoted to Hendrickson's recitation of how he laboriously tracked down and excavated the lives of the five supplementary characters—prewar, postwar, and present. These

Woody West is associate editor of the Washington Times.

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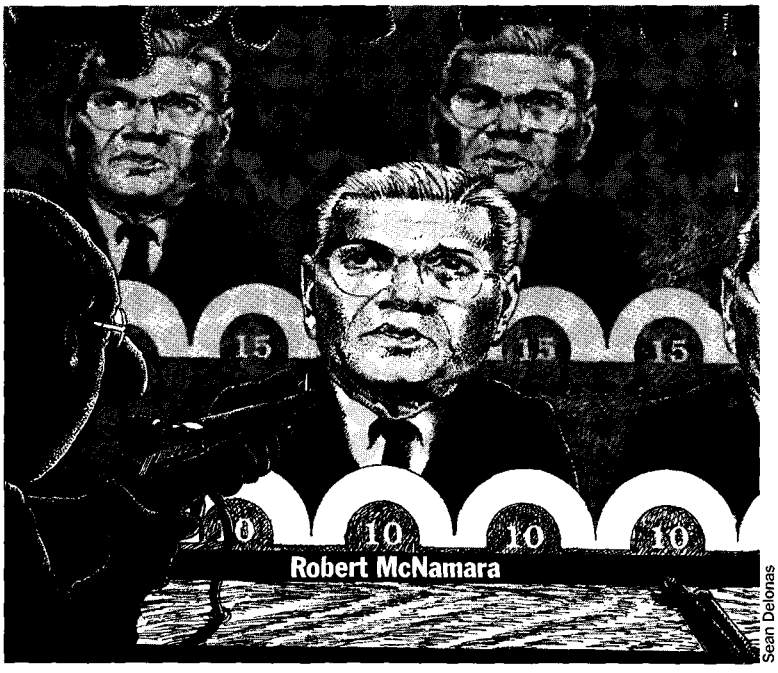
are sections of often affecting reportage, though Hendrickson casts a good portion of these personal histories in a Vietnam "victimhood" matrix. And the book is written with a sticky earnestness. Detail is used as if it were wallpaper, presumably to convince the reader that if the author knows that McNamara breakfasted on orange juice and raw egg, he must really know his man. For example, Hendrickson recites in solemn detail the exact route, street after street, turn after turn, by which McNamara drove "in a black Ford roadster with green wire wheels" from his Oakland home to classes at the University of California at Berkeley in 1933.

The Living and the Dead is an often fitful amalgam of psycho-journalism (the none-too-reputable cousin of psycho-history, itself not all that respectable anymore) and "Style-section" reportage, a form of personal journalism the *Washington Post* validated for a generation of young writers. An alternative title for Hendrickson's book might be *The Book of Paul.*

The soul of *The Book of Paul* is to be found in its epilogue: When, over the years, Hendrickson writes, he'd see McNamara in downtown Washington "it was always a bit unnerving, disconcerting. Damn, there he is, ghost of Washington, *my own.*" [Emphasis added.] The book's me-ness is so unrelenting that it can overwhelm its principal and the other five individuals whose lives ostensibly were inextricably linked by "synchronicity" with McNamara's. Capably executed, the Style-section technique can be compelling. It can also be glib and pretentious.

As justification for his authorial presence, Hendrickson recalls that in 1965 while still in seminary, he saw a copy of *Life* magazine featuring photos of a Marine helicopter squadron battered by the Viet Cong. What rattled Hendrickson particularly was a picture of a young Marine hiding his face in mental and physical exhaustion after the bloody ordeal.



Sean Delonas

"Within three months I was gone from Alabama and religious life, though I wouldn't want to suggest that a photograph brought me out, not exactly. I didn't join up, I did the opposite. I finished college, obtained a deferment for grad studies, got summoned for an Army physical, was saved by some old bowel and asthmatic histories, implored a liberal doctor to sign some papers . . ."

Then Hendrickson tells us he "passed out leaflets for Gene McCarthy, thought of myself as an intelligent and humane liberal. By then it was the darker half of the sixties. I was in my mid-twenties and figured I had the Vietnam thing beat. If you lived in a college town, it was something to be proud of. Then it was."

The last sentence hints at an expiatory subtheme in his exploration of those years, though it is subdued. There's also some equivocation, and Hendrickson writes that even at the end of a dozen years he remains somewhat ambivalent about McNamara. But that ambivalence is buried in Hendrickson's insistence on McNamara's supposed dual nature—yin and yang, anima and animus. There's the charming and sensitive McNamara, trying to burst out of his parochial chrysalis, seduced by the glamor of the Kennedys (practicing the "Twist" in front of his bedroom mirror). There's the rigidly ambitious and mendacious McNamara, for whom power trumps sensibility and whose contradictions of character bring him to the edge of a breakdown in the mid-1960s. Or so some of his sources tell Hendrickson; others reject the diagnosis.

Thus the central flaw of psycho-journalism: Your subject may have acted as he did for this underlying reason. But it may have been for that reason, or for any number and permutations of others. The method can become a soup, requiring more and more ingredients in the hope of attaining a distinct flavor.

McNamara's family, for example. His father, a buyer for a California

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shoe manufacturer, "seems to have been fair, moral, strict, proud, proper, accomplished, fussy, brainy, crotchety, and almost totally lacking in humor. But most especially he was cultivated, even dandified . . ." McNamara's mother, however, seems without complexity: A "stay-at-home" and "not-overly-intelligent," she was a "breathtaking driver and crusher," Hendrickson writes. "Think of her as the mannish force of nature, with the feminine class" who dominated the modest house. The son who issued from this "almost comically contradictory union," was "this brilliant, brittle, overengineered son who became, well, a machine, at least by daylight."

But still, Hendrickson assures us there had to have been "10,000 other known and unknown and partially revealed and microscopically small contributory factors and events . . . that helped create the inordinately complex being Robert S. McNamara became."

Hendrickson stirs in McNamara's zealous embrace of the new systems analysis while at Harvard business school and the success in applying the technique during World War II that helped bring his simmering ambition to boil. Then he adds a pinch of the attack of polio just after World War II that may have (or may not have) further concentrated both his rigidity and his ambition. On it goes, Hendrickson piling fact upon fact, conjecture upon speculation upon deduction to distill the soul of Robert S. McNamara. Maybe.

The author sedulously reports on the McNamara years as majordomo at the Ford Motor Co. and in Washington, and is persuasive—if anyone still is not convinced—that McNamara was a disaster at Vietnam policy-making. But a curious part of this book is that, for Hendrickson, the Vietnam war ended the day McNamara resigned on Nov. 29, 1967. The years from 1967 to the U.S. withdrawal of combat forces in 1972 are remarked only for the additional casualties that should have been avoided—if, that is, McNamara had found the courage to assert in public as he increasingly did inside the administration that the war was militarily unwinnable—and had resigned. Again, maybe.

The omission of what happened after McNamara left office is not minor. Hendrickson tells the story of visiting with Captain Tran, the Vietnamese refugee whose story ends the book, and his family in 1995, just as McNamara is out flogging his book. "I don't think any of us sitting at that table really thought the splintered and ineffectual and often corrupt ARVN forces could have stood up to the people on the other side," Hendrickson writes, after the U.S. "bullying" that had been so harmful to the South Vietnamese's sense of their own worth. Somehow, Hendrickson seems to have overlooked Hanoi's Easter Offensive in 1972, in which South Vietnamese forces —with U.S. air and naval-gun support—mauled and stopped the Soviet-supplied armor and artillery of North Vietnam's army.

Within three years, of course, a renewed North Vietnamese offensive crushed the ARVN forces—fighting now without the materiel and air support the U.S. had pledged if the North Vietnamese violated the terms of the Paris agreement—and which pledge, to our lasting shame, we lacked the courage and will to live up to. But that is not germane to *The Book of Paul*—though it certainly was to the Living and the Dead of this country and Vietnam. ♦

Television

Ken Burns's West

By Victor Davis Hanson

The extraordinary success of the PBS documentary series *The Civil War* lay in Ken Burns's ability to bring out the tragedy in that bloodbath. His film was a relentless chronicle of how good men butchered good men over the institution of slavery, with an omnipresent and anguished Lincoln, consumed and eventually destroyed by his role as both executioner and savior. Central to the drama was the suffering of the South, which sent its brave sons to die gallantly for a cause that was unworthy of their sacrifice.

Ambiguity and incongruity abounded, as they should in any Greek tragedy—the firepower and brutality of Grant and Sherman in the service of abolition; the racist plantation owner defended by impoverished day laborers who fought solely for southern honor and the protection of their homes and families. The lyrical music, the southern-accented narration, and the personal diaries of the ruined at times drew us to the South—our empathy only to dissipate with the sudden matter-of-fact recitation of the ignominy and horrors of slavery. Irony, after all, is the essence of Sophoclean drama, whose doomed players realize the hopelessness of their cause and yet choose to meet

Victor Davis Hanson is professor of classics at California State University, Fresno, and the author of Fields Without Dreams: Defending the Agrarian Idea.

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courtesy of The Oakland Museum

their fate in accordance with absolute principles, however flawed or outmoded.

After the lackadaisical reception of his subsequent epic, *Baseball*, Burns has attempted a return to tragic history with a new 12-hour film called *The West* of which he is the senior producer and Stephen Ives the director. (It began airing on Sunday, Sept. 15.) We are led to expect in *The West* the story of the fated migration of a technologically superior nation onto the adjoining underpopulated lands of the West—a brutal, if not inevitable, annexation replete with disastrous and often unforeseen consequences for all involved. The sheer size, terrain, and climate of the West ensured a hostile landscape that would routinely slaughter invader and invaded alike.

But *The West* is not tragedy; it is melodrama. Episode by episode, ambiguity and subtlety melt before the presentation of victor and victim. Moving recitations of Indian testimonials, set to background chants, mostly describe whites as liars, thieves, and murderers; less mellifluous voices read the avowals by nineteenth-century journalists, politicians, and generals of white supremacy and racial extermination.

By hour twelve of *The West*, the usual guilty suspects and their prey have been rounded up: Land-grabbing white settlers, vain and duplicitous cavalry officers, male supremacists, religious zealots, naive reformers, environmental desecrators, arrogant do-gooders, corporate thieves, barbarous buffalo hunters, polluting miners, petty murderers, and thugs all drown out the occasional noble ethnographer, photographer, and writer, who might have prevented the maltreatment of Indians, Mexicans, Chinese, and blacks. Chicano, Native American, and other supportive writers, intellectuals, and politicians—David Gutiérrez, N. Scott Momaday, Ronald Takaki, T.H. Watkins, Rick Williams, and Richard Wright—are brought in to trace the pathologies of modern American society back to its westward legacy of exploitation. The creation of land-grant universities, the saga of impoverished agrarians creating local democratic communities from arid wasteland, the intermarriage of Mexicans, Native Americans, Chinese, and whites—as the heritage of many of the contemporary narrators themselves attests—are overshadowed by the personal disasters of the Cayuse, Gregorio Cortez, Juan Cortina, Lean Bear, Peta Nocona, Vicente Perez Rosales, Chung Sun, Plenty Horses, and a score of other hitherto little-known victims of white racism and exploitation.

The massacre of Sand Creek, where the scoundrel Col. Chivington and his rag-tag band of drunken amateur volunteers butchered and mutilated well over 100 Cheyenne women, children, and infirm is recounted in horrid detail, as it should be. And we are further sickened that, despite Gen. Grant's formal condemnation of Sand Creek as "a foul and dastardly massacre," Chivington escapes military justice by leaving the army just in time, only to brag of his bloodletting years later at testimonials. But there is not as much emphasis placed, either in the film or in the accompanying book, on the immediate catalyst for such atrocity: the rape, kidnapping, and murder of over 200 non-combatant settlers by young Cheyenne braves in yet another round of the endless cycle of violence on both sides. We are told instead by Sen. Ben Nighthorse Campbell that the lamentable killing of the Americans was the

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result of young braves' "getting out of hand" as part of a male initiation rite where "boys became men." Thus the murder of American women and children is noted only in the context of raiding and food-gathering, sometimes as part of revenge and ritual. But what of the simple savagery of the human spirit that knows no racial bounds?

In the eyes of the filmmakers, Western technology is the catalyst for human and environmental destruction, but the natives' own adaptation of imported horses and firearms for similar martial ends is somehow different. The Indians' complete use of the buffalo carcass is lauded, but not so the hungry immigrants' scavenging of even the bison's skeletal remains for fertilizer.

Typical of this well-meaning but naive approach are the comments of the novelist Michael Dorris, who could learn something of human nature from Thucydides' Melian Dialogue. To emphasize with what unusual magnanimity native Americans reacted when forcibly converted by Spanish and American missionaries, he asks us to imagine what a Frenchman would do if ordered by a Lakota holy man in Paris to abandon his religion—thereby missing entirely the role of materialism and technology in the comparison. Faced with an Indian missionary in France, a Frenchman would, of course, laugh. But confronted with a foreign zealot with superior technology and material wealth—say, invading aliens from the next solar system—we can imagine that Frenchmen, like Native Americans, would be rather complacent and pliable before alien and ostensibly more dynamic ideas and gods.

Despite all this, some of the best moments of the series revolve around the poignant stories of indigenous peoples who understood only too well the eventual consequences of the white man's advance, and yet assumed—with disastrous consequences—that his technological superiority would always guarantee a commensurate degree of humanity and legislative and judicial honesty. The Cherokee nation did everything the white man wanted and still was exiled from its ancestral home. Mariano Vallejo welcomed Americans to the Pacific coast and was impressed by the spirit and freedom of these new immigrants, even as they ransacked his lands, ignored his rights, and generally shared none of his cultural tolerance. The life of the Cheyenne chief Black Kettle was but a litany of broken American promises, both oral and written, that ultimately led to his massacre by Custer, a man who was his moral inferior by far.

THE VERY CULTURE THAT SPAWNED CANNONS, RIFLES, EXPLOITERS, AND MISSIONARY ZEALOTS WOULD ALSO PRODUCE YEOMAN FARMERS AND A BUDDING MIDDLE CLASS.

The challenge for Burns and Ives was to ascertain to what degree these transgressions were racially motivated, typical, innately American, avoidable, or ever rectified by the Americans involved. To what degree were murder and mayhem planned and condoned by authorities or instead the result of the chaotic and mostly spontaneous nature of Western expansion, far from, and often unknown by, the settled and urban society of the East?

The West makes a case that white racism and greed were the ideology that drove the Americans westward and explain the unceasing brutality toward the Indian and the amorphous category of the non-white. But is racism really a convincing exegesis of the tragedy of the West? Sheridan and Sherman, Custer too, exterminated far more whites in their bloody careers than they did Indians. Questions of race alone did not make them horrific killers. Rather, a belief in constitutional government and the duties of a civilian-controlled military ensured that they shot, rightly or wrongly, and without hesitation, Virginians, Georgians, and Texans as well as Lakotas and Cherokees when ordered by a command sanctioned by legislative consensus.

The argument can be made, as the recent military historian John Keegan has done, that there was an element of unrealism and unintended selfishness among Native American leaders in thinking that the riches of the Plains were to belong perennially to a nomadic warrior culture, while millions in Europe and Asia were without any land at all and starving.

But that is too complex an idea for the makers of *The West*, who seek atonement for our sins and thus abandon a systematic explanation or analysis of what happened during these centuries of transformation. Yet the history of a civilization, any civilization—the Aztecs' consolidation of central Mexico and their own subsequent conquest by Cortez, the Zulu expansion and ensuing destruction by whites, Caesar's enslavement of Gaul, the colonization of Australia and New Zealand—is not a morality tale, at least not entirely. The past instead is a sad chronicle of the more populous, the more warlike, the more technologically advanced and cohesive society dictating to and colonizing the weaker party. Conquest is a tragedy that usually results in massacres and frequent killing in the penultimate stage before subjugation.

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And, as Keegan pointed out, the particular tragedy of many Native Americans was that they occupied a vast expanse and were often a warlike people. That fact ensured that millions of underfed miserable immigrants from an overpopulated Europe—accompanied by starving freed slaves and impoverished Chinese—would employ the technology of European culture to wrest brutally from them land that could feed tens of millions, not thousands. History is not kind to peoples who reside in extravagant and munificent surroundings they can neither populate nor defend.

The very culture that spawned cannons, rifles, exploiters, and missionary zealots would also produce a society of yeoman farmers, autonomous councils, and a budding middle class whose success would draw in others of all races—a society that would feed, clothe, and educate millions in a land that hitherto was largely the haunt of a relatively small number of warriors and hunters. Western military prowess, then, is but a dividend of a wider cargo of free speech, constitutional government, and free economic activity. This duality produces drama, tension, and irony—and, yes, tragedy—never fully understood or appreciated in *The West*.

We are told correctly that Chinese and Mexicans were hated by ignorant and impoverished miners and settlers from Europe. But the film's producers do not explain why these racial groups continued to flock to a country that offered them such hostility—if not from some faith in an economic, social, and political system that eventually might transcend race and so offer them more opportunity than ever found among their own society. Clearly, the westerner was anti-Semitic, yet a peddler named Levi Strauss made a fortune selling denim to miners who needed his product more than they hated his religion. The Asian laundry owner Wah Lee was relegated to perpetual second-class status, even as he found ways to master a system not his own in a manner undreamed of in China.

The final irony left untouched by *The West* is that the producers' primary evidence—newspaper editorials, speeches, decrees, and judicial decisions—is, of course, proof that for all the barbarity of the expansion, there was also something in the Americans' jumbled and abrupt migration different from most other imperial conquests. The drive to the Pacific was a struggle for the heart of a free society to act in accordance with a Western tradition that involved something more and better than just military dynamism.

There are some wonderful moments in this series—documents, pictures, and accounts not previously well known. Some of those interviewed—Joyce Anne Archambault, Stephen Ambrose, Stewart Udall, and especially Jack Chen—are as compelling as Shelby Foote was in *The Civil War*. Peter Coyote is an engaging narrator and wears well. Frontier life is not sanitized or romanticized, and class distinctions are brought out well, emphasizing that it was largely impoverished immigrants who built the railways, drove the cattle, and served in the army—mostly, in the short term, to enrich others.

But *The West*, despite its title, its years of research, and its hundreds of hours of filming, is, alas, not an intellectually honest or comprehensive account of the West. Rather *The West* is one vast and well-meaning apology, whose central—and stereotyped—thesis is the innately murderous, exploiting, and ultimately destructive nature of American culture. That may be a truth, but it is not the Truth. ♦

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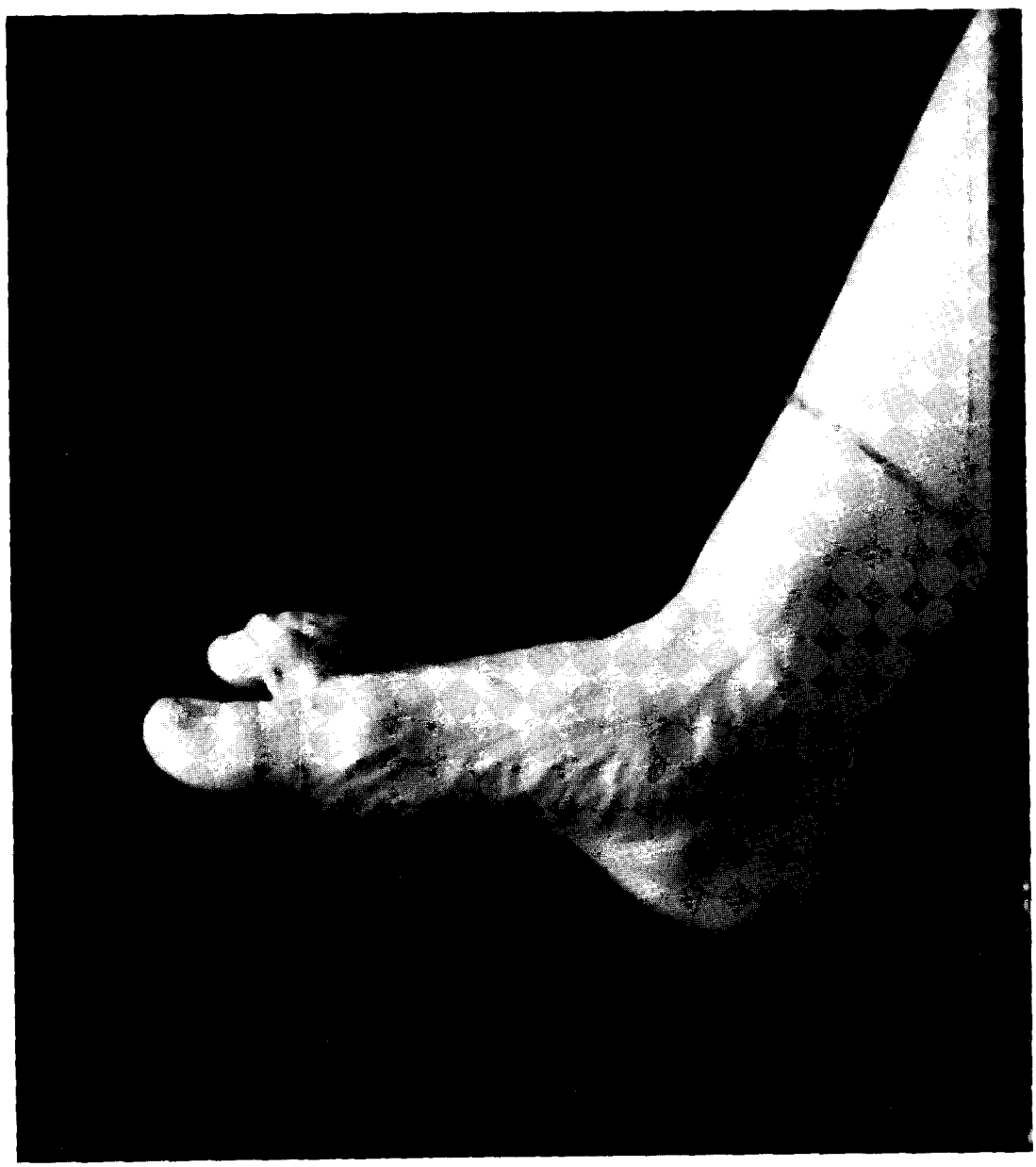
The New Yorker hosted an off-the-record breakfast with Dick Morris, who quit the Clinton campaign after reports he had consorted with prostitute Sherry Rowlands. —*News item*

Parody

SHOWCASE
BY RICHARD AVEDON



Sherry Rowlands, Washington, D.C., September 10, 1996.

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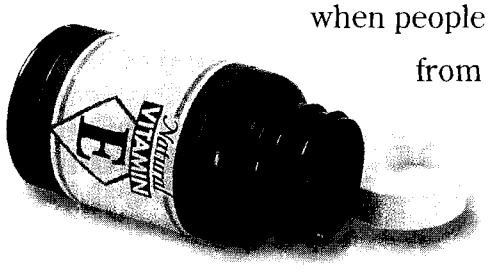
New study shows vitamin E helps seniors live longer

A new study conducted by the National Institute on Aging concluded that when people age 67-105 took vitamin E supplements, their risk of death from all causes was reduced by 27%. The study, published in The American Journal of Clinical Nutrition, also stated that vitamin E supplements reduced the risk of death from coronary heart disease by 41% and from cancer by 22%.



By 1997, ADM will supply 300 million people with the current recommended daily allowance of vitamin E.

- **DEATH FROM ALL CAUSES WAS REDUCED BY 27%**
- **DEATH FROM CORONARY HEART DISEASE WAS REDUCED BY 41%**
- **DEATH FROM CANCER WAS REDUCED BY 22%**

ADM

Supermarket to the world

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Our income tax chains mothers to a job — and threatens our right to economic liberty.

While we argue about taxing the rich, nobody ever defines who the rich really are. According to the IRS, that definition was an annual income of $5 million in 1940. By 1992, that moved down scale to a very blue-collar $52,500. As the debate over making sure the rich pay their "fair" share rages on, we are ignoring the impact of rising taxation upon the American working *family*.

It now takes two incomes to support a family at a standard which once required only one income just 30 years ago. In the process our national debt has exploded and we have nothing to show for it.

Like citizens of Rome, we lose democratic *and* economic freedoms through taxes.

Democracy was once the light of economic freedom — the way out of serfdom where the state took 50 percent of your earnings. Today, that economic freedom is lost with the state extracting nearly 40 percent of the income from the average American family. It was only 25 percent in the 1960s! In Rome, it was obvious. Tax laws chained you to your profession and your location, the better to find you to collect Caesar's due.

Many women today are chained to their jobs because they lost their economic freedom to stay home and raise their children during early, formative years. If we truly care about the people of this nation and our future, we must honestly look at the impact of big government and the rising demands for taxation upon our middle class.

Mothers always pay for the foolishness of governments.

War is only the most common example. In government's all consuming quest to promise more to voters — mothers, women, and the American family have come out the losers. When we enslave that segment of society, our prosperity collapses like Rome, Spain, Russia, and so many others that have gone before us.

Promise freedom. Deliver serfdom.

History warns that economic decay has always been created by the extravagance of the state and in its wake inevitably follows social decay and rising crime. Only a fool ignores the lessons of history and that is why it tends so often to repeat.

We have a rare and brief moment in time — perhaps our last window of opportunity to reflect and change the course of posterity. To ignore the warnings of history, after the social and economic decay we have witnessed in the past 30 years, is to invite the fate suffered by all previous democracies — suicide. Society will be torn apart unless the taxation demands upon the American family are not tempered and controlled. If we do not restore economic freedom to the American family, we will become a mere footnote in the annals of the 21st century.

For more information on the Princeton Proposal for tax reform & economic growth, contact:

Princeton Economic Institute
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